

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK; STATE OF CALIFORNIA; STATE OF ILLINOIS; STATE OF RHODE ISLAND; STATE OF NEW JERSEY; COMMONWEALTH OF MASSACHUSETTS; STATE OF ARIZONA; STATE OF COLORADO; STATE OF CONNECTICUT; STATE OF DELAWARE; THE DISTRICT OF COLUMBIA; STATE OF HAWAI'I; STATE OF MAINE; STATE OF MARYLAND; STATE OF MICHIGAN; STATE OF MINNESOTA; STATE OF NEVADA; STATE OF NORTH CAROLINA; STATE OF NEW MEXICO; STATE OF OREGON; STATE OF VERMONT STATE OF WASHINGTON; STATE OF WISCONSIN,

Plaintiffs,

v.

DONALD TRUMP, IN HIS OFFICIAL CAPACITY AS PRESIDENT OF THE UNITED STATES; U.S. OFFICE OF MANAGEMENT AND BUDGET; MATTHEW J. VAETH, IN HIS OFFICIAL CAPACITY AS ACTING DIRECTOR OF THE U.S. OFFICE OF MANAGEMENT AND BUDGET; U.S. DEPARTMENT OF THE TREASURY; SCOTT BESENT, IN HIS OFFICIAL CAPACITY AS SECRETARY OF THE TREASURY; PATRICIA COLLINS IN HER OFFICIAL CAPACITY AS TREASURER OF THE U.S.; U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; DOROTHY A. FINK, M.D., IN HER OFFICIAL CAPACITY AS ACTING SECRETARY OF HEALTH AND HUMAN SERVICES; U.S. DEPARTMENT OF EDUCATION; DENISE CARTER, IN HER OFFICIAL CAPACITY AS ACTING SECRETARY OF EDUCATION; U.S. FEDERAL EMERGENCY MANAGEMENT AGENCY; CAMERON HAMILTON, IN HIS OFFICIAL CAPACITY AS ACTING ADMINISTRATOR OF THE U.S. FEDERAL EMERGENCY MANAGEMENT

C.A. No. 1:25-cv-00039

AGENCY; U.S. DEPARTMENT OF
TRANSPORTATION;
JUDITH KALETA, IN HER OFFICIAL
CAPACITY AS ACTING SECRETARY OF
TRANSPORTATION;
U.S. DEPARTMENT OF LABOR; VINCE
MICONE, IN HIS OFFICIAL CAPACITY AS
ACTING SECRETARY OF LABOR; U.S.
DEPARTMENT OF ENERGY; INGRID KOLB, IN
HER OFFICIAL CAPACITY AS ACTING
SECRETARY OF THE U.S. DEPARTMENT OF
ENERGY; U.S. ENVIRONMENTAL
PROTECTION AGENCY; JAMES PAYNE, IN HIS
OFFICIAL CAPACITY AS ACTING
ADMINISTRATOR OF THE U.S.
ENVIRONMENTAL PROTECTION AGENCY;
U.S. DEPARTMENT OF HOMELAND
SECURITY; KRISTI NOEM, IN HER CAPACITY
AS SECRETARY OF THE U.S. DEPARTMENT
OF HOMELAND SECURITY; U.S.
DEPARTMENT OF JUSTICE; JAMES R.
McHENRY III, IN HIS OFFICIAL CAPACITY AS
ACTING ATTORNEY GENERAL OF THE U.S.
DEPARTMENT OF JUSTICE; THE NATIONAL
SCIENCE FOUNDATION and DR.
SETHURAMAN PANCHANATHAN, IN HIS
CAPACITY AS DIRECTOR OF THE NATIONAL
SCIENCE FOUNDATION,

Defendants.

AFFIRMATION OF KEITH D. HOFFMANN

KEITH D. HOFFMANN, an attorney duly admitted to practice before the Courts of this State, does hereby state the following under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am Keith D. Hoffmann, Chief of Policy and Assistant Attorney General in the Office of the Attorney General for the State of Rhode Island, who appears on behalf of the State of Rhode Island in this action.

2. I submit this declaration in support of Plaintiffs States' Motion for a Temporary Restraining Order pursuant to Federal Rule of Civil Procedure 65. The facts set forth herein are based upon my personal knowledge and/or a review of the files in my possession.

3. I have attached hereto this affirmation true and correct copies of factual declarations, as noted herein:

4. Declaration dated January 28, 2025 of Kori Kappes, Chief Financial Officer of the Department of Economic Security ("DES") for the State of Arizona;

5. Declaration dated January 28, 2025 of John F. Scott II, Director of the Arizona Department of Veterans' Services;

6. Declaration dated January 28, 2025 of Jeff Tegen, Assistant Director of the Division of Business and Finance at the Arizona Health Care Cost Containment System Administration;

7. Declaration dated January 28, 2025 of Nicole Witt, Assistant Director of Public Health Preparedness for the Arizona Department of Health Services;

8. Declaration dated January 28, 2025 of Susan Dzbanko, Deputy Director of the Arizona Department of Homeland Security;

9. Declaration dated January 28, 2025 of Nancy Farias Womack, Director of the California Employment Development Department;

10. Declaration dated January 28, 2025, of Kim Bimestefer, Executive Director for Colorado's Department of Health Care Policy & Financing;

11. Declaration dated January 28, 2025 of Stan Hilkey, Executive Director at Colorado's Department of Public Safety;

12. Declaration dated January 28, 2025 of Michelle Barnes, Executive Director of

Colorado's Department of Human Services;

13. Declaration dated January 28, 2025 of Maria De Cambra, Executive Director of the Colorado Department of Local Affairs;

14. Declaration dated January 28, 2025 of Mike Ferrandino, Director of the Office of State Planning and Budgeting for the State of Colorado;

15. Declaration dated January 28, 2025 of Jeffrey Beckham, Secretary of the Connecticut Office of Policy and Management;

16. Declaration dated January 28, 2025 of Colleen C. Davis, State Treasurer of Delaware;

17. Declaration dated January 28, 2025 of Krishnanda Tallur, Deputy State Superintendent of the Office of Finance and Operations in the Maryland State Department of Education;

18. Declaration dated January 28, 2025 of Matthew J. Gorkowicz, Secretary of Administration and Finance for the Commonwealth of Massachusetts;

19. Declaration dated January 28, 2025 of Michael F. Rice, PhD, Superintendent of Public Instruction within the Michigan Department of Education;

20. Declaration dated January 28, 2025 of Elizabeth Hertel, Director the Michigan Department of Health and Human Services;

21. Declaration dated January 28, 2025 of Beverly Walker-Griffiea, Ph.D., Director of the Michigan Department of Lifelong Education, Advancement and Potential;

22. Declaration dated January 28, 2025 of Ahna Minge, Assistant Commissioner for Budget Services and State Budget Director at Minnesota Management and Budget;

23. Declaration dated January 28, 2025 of Adrienne Kreipke, Chief Financial and

Operations Officer for the Department of Environmental Protection (“NJDEP”) located in the State of New Jersey;

24. Declaration dated January 28, 2025 of Ed Wengryn, Secretary of Agriculture at the New Jersey Department of Agriculture;

25. Declaration dated January 28, 2025 of Sarah Adelman, Commissioner of the New Jersey Department of Human Services;

26. Declaration dated January 28, 2025 of Kaitlin Baston, MD, MSc, DFASAM, Commissioner of the New Jersey Department of Health;

27. Declaration dated January 28, 2025 of Kathleen Ehling, Assistant Commissioner for the Division of Educational Services within the New Jersey Department of Education;

28. Declaration dated January 28, 2025 of Kari Armijo, Cabinet Secretary for the New Mexico Health Care Authority;

29. Declaration dated January 28, 2025 of Wayne Propst, Cabinet Secretary for the New Mexico Department of Finance and Administration;

30. Declaration dated January 28, 2025 of Blake Washington, Director of the New York State Division of the Budget;

31. Declaration dated January 28, 2025 of Jonathan Womer, Director of the Rhode Island Department of Administration;

32. Declaration dated January 28, 2025 of Katharine K.D. Chapman-See, Director of the Office of Financial Management for the State of Washington;

33. Declaration dated January 28, 2025 of Elizabeth Maher Muoio, State Treasurer of the State of New Jersey.

Dated: Providence, Rhode Island
January 28, 2025

/s/ Keith D. Hoffmann
Keith D. Hoffmann
Assistant Attorney General

DECLARATION OF KORI KAPPES

I, Kori Kappes, declare as follows:

1. I am the Chief Financial Officer of the Department of Economic Security (“DES”) for the State of Arizona. I have held that position since April 13, 2024. I make this declaration as a representative of the DES and the State of Arizona in part based on the business records of DES and in part based on my personal knowledge and experience. In my official capacity and based on my personal knowledge and other sources of information which I have obtained and reviewed in that official capacity, I am familiar with, and if called upon to do so, would be competent to testify to the facts and circumstances set forth herein.

2. The amounts referenced in this declaration are approximate and reflect the best estimates of federal funds expected by DES available to me on short notice.

3. DES receives approximately \$6 billion in federal funding per state fiscal year. This funding is largely contingent upon investments from the State’s General Fund to draw down federal grant awards.

4. On average, DES leverages approximately 90% of all General Fund appropriations received by the State. Without the applicable availability of federal funds, state investments are far more limited.

5. Relying on federal funds, DES administers approximately 60 programs focused on delivering specialized services to align with the needs of the Arizona community and the Department’s program areas. DES programs recognize and address essential factors influencing health outcomes—such as access to healthcare, child care, stable employment, child support, benefit eligibility, elder care, and secure housing.

6. DES spends approximately \$15-20 million on average per day on operational and client expenses, including payroll, vendor payments, and direct client benefits.

7. On January 27, 2025, acting director of the Office of Management and Budget Matthew J. Vaeth issued M-25-13, a “Memorandum for the Heads of Executive Departments and Agencies” (“OMB Memo”). The OMB Memo directed that all “Federal agencies must temporarily pause all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by the executive orders, including, but not limited to, financial assistance for foreign aid, nongovernmental organizations, DEI, woke gender ideology, and the green new deal.” M-25-13 at 2.

8. The OMB Memo further stated that the “temporary pause will become effective on January 28, 2025 at 5:00 PM.” *Id.*

9. As of January 28, 2025, at 12:00 PM Arizona time, DES is unable to draw down federally appropriated and awarded funding from the Payment Management System (“PMS”), which holds the majority of federal awards for DES and contains all funding from the U.S. Department of Health and Human Services and U.S. Department of Labor—approximately \$200 million is currently inaccessible. Additional federal draw down systems, such as G5, which includes funding from the U.S. Department of Education, and Automated Standard Application for Payments (“ASAP”), which includes funding from the U.S. Department of Agriculture (“USDA”), appear to be operational to draw in awarded funding, but verification is pending. DES does not know whether funds drawn through PMS, G5 and/or ASAP will remain available after 5:00 PM EST today.

10. Although DES is still assessing the exact dollar amount that is unavailable to draw within the relevant federal systems, DES's inability to draw down federal funds will have an immediate impact on DES operations and daily activities.

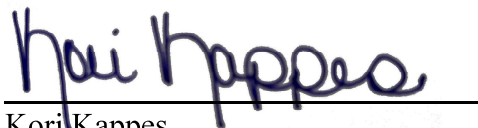
11. If DES is unable to draw down federal funds, it will be unable to operate over 60 programs, significantly impacting the health and safety of vulnerable children and adults, unable to ensure vendor payments, and unable to meet contract obligations.

12. I am not aware of DES having received official communication from any federal agency describing the effect of the OMB Memo on federal funds awarded to DES, but those federal funds meet the definition of "federal assistance program" used in the OMB Memo.

13. A significant delay in federal funding to DES will dramatically impact the health, welfare, and economic conditions of the State of Arizona and its citizens. While DES may ultimately succeed in providing sufficient cash-flow to overcome a pause of a few days in funding, a continued interruption will result in violations of state law, cancellation of federally funded grant programs, directly and negatively impacting the State and its constituents.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed January 28, 2025.

A handwritten signature in dark ink, appearing to read "Kori Kappes", written over a horizontal line.

Kori Kappes
Chief Financial Officer, Department of Economic
Security, State of Arizona

DECLARATION OF JOHN F. SCOTT II

I, John F. Scott II, hereby declare:

1. I am the Director of the Arizona Department of Veterans' Services ("ADVS" or "the Agency"). I have been with ADVS for ten years and have held several positions prior to my appointment as Director in August 2024, including Commissioner, Assistant Deputy Director, and Deputy Director.
2. My education background includes a Bachelors degree in Psychology from the University of California: Los Angeles, and a Masters in Social Work from California State University: Long Beach.
3. I have compiled the information in the statements set forth below through personal knowledge, through ADVS personnel who have assisted me in gathering this information from our agency, and on the basis of documents that have been provided to and/or reviewed by me.
4. ADVS ensures that the 460,000 veterans in Arizona and their families receive the benefits they are rightfully owed. Nearly all programs that ADVS provides are benefit-driven programs that are funded through federal grant awards or federal contracts.
5. ADVS provides extensive services to veterans and their families, including but not limited to:
 - a. Skilled nursing care throughout the State;
 - b. Promoting and safeguarding quality education and training programs for all veterans and eligible persons;
 - c. Ensuring greater education and training opportunities that meet the changing needs of veterans;
 - d. Protect the GI Bill resources owed to our veterans;
 - e. Maintain and manage the Arizona State Veterans' Cemeteries;
 - f. Suicide Prevention services and treatment.
6. As of the date of this declaration, ADVS cannot access the federal payment management system. Thus, we are unable to submit any further reimbursement requests, and we will face irreparable harm when we are unable to bill for or pay for services already provided in January as well as upcoming services.

SKILLED NURSING FACILITIES

7. For example, our skilled nursing facilities—located in Yuma, Flagstaff, Tucson, and Phoenix—are all funded through a contract with the United States Department of Veterans Affairs.
8. The skilled nursing facilities care for 240 Arizona veterans.
9. We rely on nearly \$44,000,000 per year from the United States Department of Veteran Affairs to operate the skilled nursing facilities.

10. The nursing facility federal contracts fund up to 612 skilled positions, including 299 current staff members. The contracts cover linens, food, medication, medical providers, contracted nursing staff, psychologists, and psychiatrists, and much more.
11. If federal funding is paused, we will immediately be unable to pay staff or vendors to continue operating the four skilled nursing facilities in the state. This will cut off care to the 240 veterans currently housed in these facilities. ADVS will be required to relocate those veterans to facilities for purposes of continuity of care, the cost of which will be borne by ADVS.
12. ADVS can only relocate the veterans to facilities contracted with the United States Department of Veterans Affairs. If no appropriate skilled nursing facility is available to accept the 240 veterans, ADVS will remain on the hook for skilled nursing services.
13. However, ADVS does not have the resources or funding to support care for veterans without federal funding. We certainly will not be able to access enough state funds in the immediate future to care for these 240 veterans should federal funding become unavailable immediately.
14. In addition to cutting off care for 240 veterans, a federal funding pause will put us at risk of losing access to our Phoenix skilled nursing facility. The land on which that facility is located is on lease, and if we are unable to provide skilled nursing services, the land reverts to its owner. This is irreparable harm, as we will not be able to resume services if federal funding were to restart in the future without significant, additional federal investment.

SUICIDE PREVENTION SERVICES

15. We also receive more than \$750,000 in federal funds from an Staff Sergeant Fox Grant for our Suicide Prevention Program.
16. This grant allows us to fund two dedicated individuals who engage with at least forty veterans per month to conduct full evaluations and determine whether the individuals are suffering from suicidal ideation and direct the veterans to necessary treatment.
17. If federal funding streams pause, dozens of veterans will go without this life-saving treatment. Needless to say, the risk of suicide among veterans and the inability for us to continue to engage with the population will create irreparable, life-threatening, immediate harm.

EDUCATION SERVICES

18. ADVS receives more than \$351,000 as part of a State Approving Agency (“SAA”) cooperative agreement from the United States Department of Veteran Affairs.
19. Through this grant, we ensure that community colleges, colleges, universities, trade schools, and other similar institutions are accepting veterans under the GI Bill and abiding by related state and federal laws.

20. In 2023 alone, there were almost 42,000 participants that utilized their GI Bill in Arizona in pursuit of higher education and skilled trades.
21. The grant funds four full-time employees who audit these institutions to ensure compliance with cooperative agreements.
22. Past audits have uncovered institutions who were not compliant with safeguarding veteran and taxpayer interests by violating federal and state laws which required remediation up to withdrawing schools from being able to administer programs funded by the GI Bill.
23. Through this program, ADVS can safeguard the tens of thousands of veterans who depend on this grant to receive the educational opportunities to which they are entitled.
24. If funding through this grant program is no longer available to ADVS, tens of thousands of veterans will lose access to the safeguard that the SAA provides and veteran students could fall victim to nefarious schemes developed to capitalize on their educational benefits.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed January 28, 2025.



John F. Scott II
Director, Department of Veterans' Services
State of Arizona

DECLARATION OF JEFF TEGEN

I, Jeffery Tegen, hereby declare:

1. I am the Assistant Director of the Division of Business and Finance at the Arizona Health Care Cost Containment System (“AHCCCS”) Administration, which is Arizona’s Medicaid agency.
2. My educational background includes a Bachelor of Science in Finance, a Master of Business Administration, and a Master of Health Service Administration. I have been employed as the Assistant Director of the Division of Business and Finance since May 2015.
3. I have compiled the information in the statements set forth below through personal knowledge, through AHCCCS personnel who have assisted me in gathering this information from our agency, and on the basis of documents that have been provided to and/or reviewed by me.

AHCCCS MANDATE

4. AHCCCS is Arizona’s Medicaid agency that offers health care programs to serve Arizona residents who meet certain income and other requirements. AHCCCS’ mission is to help Arizonans live healthier lives by ensuring access to quality healthcare across all Arizona communities.
5. AHCCCS is the largest insurer in Arizona, covering more than 2,714,609 individuals in State Fiscal Year 2024. It uses federal, state, county, and other funds to provide health care coverage to the State’s Medicaid-eligible population.

FEDERAL FUNDING

6. AHCCCS receives \$17.6 billion (SFY25 estimate from November 2024 Rebase) in Medicaid funding under 42 U.S.C. 1396-1 and 1396a et al. for Title XIX services, and Title

42, Chapter 7, Subchapter XXI for Title XXI services. On average, AHCCCS draws \$54.4 million per day in federal financial participation (based on December 2024 actual).

7. AHCCCS staff access Medicaid funding by using the Federal Payment Management System, which is a portal used to draw all federal funds. As of approximately 11:00 am MST on January 28, 2025, AHCCCS was not able to access this funding via the federal portal. The federal portal is the only way in which AHCCCS can draw down Medicaid funding. Without access to Medicaid funding, AHCCCS cannot provide services to over 2 million Arizonans who depend on this funding for healthcare coverage.
8. In addition to Medicaid funding, AHCCCS receives approximately \$186 million in grants from “federal assistance programs” as defined in 2 CFR 200.1 or that appear to be implicated by the January 27, 2025 Office of Management and Budget Memorandum (M-25-13) and subsequent actions of the federal government. A few of these programs are highlighted below:
 - a. Mental Health Block Grants are awarded to states per Section 1911 of title XIX, Part B, Sub part I and III of the Public Health Service Act. AHCCCS supports full time staff who administer these grants through this funding. In addition, funding for mental health crisis services is part of the payments AHCCCS pushes to Managed Care Organizations. AHCCCS has seen an increase in non-Title XIX crisis utilization and this would cut funding to phone lines, mobile teams, and crisis observation centers necessary to the provision of these services. Without this funding, members would not have the necessary supports to have successful outcomes from mental health crises.
 - b. Substance Abuse Block Grants are awarded to states per Section 1921 of Title XIX, Part B, Subpart II and III of the Public Health Service Act. AHCCCS supports full time staff

who administer these grants through this funding. In addition, AHCCCS supports substance abuse services to members through these grants. This includes outpatient treatment programs for methadone, suboxone, naltrexone etc. Without this funding, members would not have critical services for successful outcomes for facing substance use disorders or have accessibility to a needed provider network in Arizona to meet member's needs for substance use disorder treatment.

- c. State Opioid Response IV Discretionary Grants are awarded to states under the Consolidated Appropriations Act of 2023, Division H, Title II, and the 21st Century Cures Act, Section 1003, as amended. AHCCCS supports full time staff who administer these grants through this funding. In addition, AHCCCS supports state opioid response prescription costs for Medications for Opioid Use Disorder to members through these grants. Without this funding, members would not have necessary services to have successful outcomes when facing substance use disorders or have an adequate provider network in Arizona to meet member's needs for substance use disorder treatment.
9. 988 Discretionary Grants are awarded to states under 42 U.S.C. 290bb-36c and 290bb-32. AHCCCS uses this funding to hire a contractor who responds to call routed through the Arizona crisis hotline. Without the funding for this contract, Arizona would not be able to support a mental health crisis hotline.
10. AHCCCS does not have funding to pay Medicaid recipients/providers without access to the federal funding. In order to provide services to AHCCCS Members, providers must receive funding from AHCCCS including federal funds. This means that individuals will not have access to services. Additionally, without immediate access to Federal funds, it is

questionable if AHCCCS will be able to continue to pay its employees and, as a result, is at risk of being unable to continue program operations.

11. Even a temporary pause on accessing these funds will have debilitating consequences for the Arizonans enrolled in these programs and the businesses that provide services.

AHCCCS will not be able to backfill the funding gap during this pause. Delays will result in administrative chaos, individuals not being able to access necessary care.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 28th day of January, 2025, in Phoenix, Arizona.

Jeffery Tegen

Jeffery Tegen, Assistant Director of the
Division of Business & Finance
Arizona Health Care Cost Containment
System Administration

Signature: *Jeffery Tegen*

Email: jeffery.tegen@azahcccs.gov

DECLARATION OF NICOLE WITT

I, Nicole Witt, hereby declare:

1. I am the Assistant Director of Public Health Preparedness for the Arizona Department of Health Services (“ADHS”), and I have held this position since July 2024. As the Assistant Director, I provide overall leadership, management and direction to the Division of Public Health Preparedness, which includes the Bureau of Infectious Diseases and Services and which houses the Office of HIV & Hepatitis C Services (“OHHS”).
2. As Assistant Director of Public Health Preparedness, I have personal knowledge of the matters set forth below, or have knowledge of the matters based on my review of information and records gathered by my staff.

Arizona Department of Health Services

3. ADHS’s mission is to promote, protect, and improve the health and wellness of individuals and communities in Arizona. To support that goal, ADHS performs many functions, including overseeing and administering the Ryan White Part B (“RWPB”) and the AIDS Drug Assistance Program (“ADAP”). RWPB and ADAP serve as critical components in ADHS’s mission to eliminate the spread and impact of communicable diseases such as HIV and AIDS. These programs combined provide Arizona with more than \$25,500,000 million dollars annually.

Impact to ADHS related to RWPB

4. The mission of RWPB is to provide lifesaving medically necessary health care and support services for low-income individuals with Human Immunodeficiency Virus

(“HIV”) infection lacking sufficient health care coverage or financial resources for coping with HIV and Acquired Immunodeficiency Syndrome (“AIDS”). Funding through RWPB is utilized to support community-based organizations, non-profits and health care organizations across the state providing services to people at risk for and living with HIV/AIDS.

5. ADHS receives \$17,040,320 annually for RWPB and 12 million of this funding supports ADAP. In addition, ADHS receives \$8,590,353.00 annually for the Ryan White supplemental grant. We receive an additional \$22 million in rebate revenue that does not seem to be impacted by this freeze that we may be able to use to partially mitigate the impact on a federal funding pause.
6. ADHS has been locked out of the Payment Management System (“PMS”) system since the evening of January 27, 2025 and has not been able to draw down any funds.
7. Approximately 10,000 Arizonans (or 54% of people living with HIV in Arizona) are served by RWPB and ADAP.
8. Even a temporary pause in funding will harm Arizonans and ADHS who depend on this program. ADHS is not able to provide stop gap financial support during the funding pause. This means that Arizonans and subrecipients who rely on this program for care will not receive payment. While ADHS might be able to mitigate some of the impact with the rebate funding referenced above, the rebate funding has conditions, is limited and could not cover all impacted costs.

Impact to ADHS related to ADAP

9. ADHS is also responsible for the administration of ADAP for the State of Arizona, which is an additional component to RWPB. There are two (2) ADAP programs, 340B ADAP

and ADAP Assist (co-pay assistance). The 340B ADAP program provides access to live saving medications to low-income individuals living with HIV who have limited or no insurance coverage. The ADAP Assist program provides co-pay assistance for ADAP clients who have private insurance, Medicare, employer-based insurance, or insurance through the Federally Facilitated Marketplace. ADAP requires that all forms of insurance and coverage are used before ADAP funds.

10. As stated above \$12 million of the \$17 million from RWPB funding supports ADAP.
11. ADHS has been locked out of the PMS system since the evening of January 27, 2025, and has not been able to draw down any funds. The website for the 340B Recertification window for Health Resources and Services Administration ("HRSA") ADAP has also not been working since January 27, 2025. ADHS received a follow-up communication from Apexus and it was confirmed that the recertification would be postponed.
12. Even a temporary delay to funding could mean that ADHS may not be able to cover staffing costs to administer the program and the 10,000 Arizonans that rely on RWPB and ADAP may not get the coverage that they need. ADHS will also likely not be able to fulfill all of its responsibilities to subrecipients and contractors.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 28th day of January, 2025, in Arizona.



Nicole Witt
Assistant Director
Division of Public Health Preparedness
Arizona Department of Health Services

DECLARATION OF SUSAN DZBANKO

I, Susan Dzbanko, declare as follows:

1. I am the Deputy Director of the Arizona Department of Homeland Security (AZDOHS). I have served in this role for four years and have been with AZDOHS for over 20 years. In this role, I manage and administer all federal homeland security grants, including the State Homeland Security Grant Program, Urban Areas Security Initiative, Operation Stonegarden, Nonprofit Security Grant Programs, and the State and Local Cybersecurity Grant Program.

2. I make this declaration as a representative of the AZDOHS and the State of Arizona in part based on the business records of AZDOHS and in part based on my personal knowledge and experience. In my official capacity and based on my personal knowledge and other sources of information which I have obtained and reviewed in that official capacity, I am familiar with, and if called upon to do so, would be competent to testify to the facts and circumstances set forth herein.

3. The amounts referenced in this declaration are approximate and reflect the best estimates of federal funds expected by AZDOHS available to me on short notice.

4. AZDOHS receives grant funding from the Federal Emergency Management Agency (CFDA numbers 97.067 (HSGP), 97.008 (NSGP), 97.137 (SLCGP)).

5. AZDOHS has open federal grant awards totaling \$141,571,893.10 from FFY 2021-FFY2024 (State Homeland Security Grant Program, Urban Areas Security Initiative, Operation Stonegarden, Nonprofit Security Grant Programs, and the State and Local Cybersecurity Grant Program).

6. Our three main federal grant programs are the State Homeland Security Grant Program, the Urban Areas Security Initiative, and the Operation Stonegarden Grant Program. They fund critical homeland security needs at both the State and local levels. The first two programs, SHSGP and UASI, provide funding for terrorism prevention, protection, mitigation, response, and recovery activities. All the projects we have funded with these grants have a terrorism nexus, in that

the equipment or programs funded can be used and are part of an effective response if a terrorism event occurs.

7. On Tuesday, January 28, 2025 at approximately 10:00am MST, AZDOHS in coordination with the Arizona Governor's Accounting Office, submitted a draw request through the FEMA Payment and Reporting System (PARS) in the amount of \$148,200 (this is to cover payroll for ten AZDOHS grant funded staff for the next two pay periods). Funds disbursement from FEMA typically takes 2-3 days upon FEMA's receipt of the draw request.

8. On January 28, 2025, I reached out to Julie Robinson, Cyber Grants Management Specialist of the Office of Grants Administration, our SLCGP point of contact, for any information from FEMA regarding the OMB Memo and received the following response: "FEMA is actively reviewing President Trump's memo directing agencies to pause grants and other types of federal assistance issued Monday, January 27th. We are working quickly to understand the exact implications across the full range of FEMA equities. We will provide additional guidance to stakeholders as soon as possible."

9. I also reached out to Kerry Thomas the Director of the Homeland Security Division of the FEMA Grants Program Directorate and received the following response: "All - FEMA is actively reviewing President Trump's memo directing agencies to pause grants and other types of federal assistance issued Monday, January 27th. We are working quickly to understand the exact implications across the full range of FEMA equities. We will provide additional guidance to stakeholders as soon as possible."

10. AZDOHS submits draws of federal funds every two weeks. The amount requested fluctuates depending on what is in the queue for reimbursement. Our average monthly draw down is roughly \$3 million per month. If we are unable to access our federal funds due to the OMB directive, it would cause significant harm to our operations, and by extension the operations of state and local

public safety subrecipients and the safety and homeland security of the State and its local jurisdictions.

11. For example, intelligence analysts in the State fusion center and in some local jurisdictions are fully or partially funded by federal grants. Losing access to these funds would jeopardize these positions and the work performed for homeland security in Arizona. Further, part of the federal funding received by AZDOHS goes to the Arizona Department of Public Safety, through funding for the Arizona Counter Terrorism Information Center. Funding also goes to state and local partners across the State, including local law enforcement. We have more than 200 open projects right now that could be impacted, preventing subrecipients from spending money on critical security equipment purchases, training, and other operations. These projects are in various stages of completion, and include law enforcement, fire service, emergency management, state and local elections departments—impacting public safety in just about every sector in the State of Arizona.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed January 28, 2025.



Susan Dzbanko
Deputy Director
Arizona Department of Homeland Security
State of Arizona

ADOHS Declaration - 1/28/2025

Final Audit Report

2025-01-28

Created:	2025-01-28
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"ADOHS Declaration - 1/28/2025" History



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DECLARATION OF NANCY FARIAS WOMACK

I, Nancy Farias Womack, declare as follows:

1. I am a resident of the State of California. I am over the age of 18 and have personal knowledge of all the facts stated herein, except to those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am currently employed as the Director of the California Employment Development Department (EDD or Department).

3. EDD enhances California's economic growth and prosperity by collaboratively delivering valuable and innovative services to meet the evolving needs of employers, workers, and job seekers. The Department connects employers with job seekers, administers the Unemployment Insurance, Disability Insurance, and Paid Family Leave programs, and provides employment and training programs under the federal Workforce Innovation and Opportunity Act. Additionally, the Department collects various employment payroll taxes including the personal income tax, and collects and provides comprehensive economic, occupational, and socio-demographic labor market information concerning California's workforce.

4. EDD is the program administrator for itself, the California Unemployment Insurance Appeals Board (CUIAB), and the California Workforce Development Board (CWDB), all of which are instrumentalities of California State government. Upon information and belief, as program administrator, EDD is responsible for accessing the Federal grant funding for these entities and making it available for expenditure.

5. As EDD's Director, I have knowledge of Federal financial assistance that EDD and these EDD receive in the form of grants.

6. Upon information and belief, EDD and the State government entities for which it is program administrator currently have \$1.3 billion in open grants from the Federal government. These grants support the following programs or activities: Unemployment Insurance administration, the Workforce Innovation and Opportunity Act program, Wagner-Peyser program, Jobs for Veterans state grant, and integral job training and placement services, among many other critical programs.

7. Upon information and belief, the Memorandum for Heads of Executive Departments and Agencies, M-25-13, dated January 27, 2025, issued by the Executive Office of the President of the United States, Office of Management and Budget, Matthew J. Vaeth, Acting Director, regarding “Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs” (“OMB Memo”) orders our Federal grant funding agencies to “pause” all activities related to disbursement of all Federal financial assistance, which I understand would include Federal grant disbursements to EDD, CUIAB, CWDB, including for the programs and services discussed above.

8. As a result of the OMB Memo, EDD has not been able to access Federal grant funding. EDD’s attempt to login to the federal system to access these Federal funds have been unsuccessful.

9. The OMB Memo creates confusion and uncertainty for EDD and the agencies for which it is program administrator about whether and when we will receive Federal grant disbursements, including how long the grant funding will be “paused.” The pause ordered by the

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OMB Memo will stop us for an indefinite period from serving and meeting some of our critical missions. Any pause in our federal funding would cause irreparable harm.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 28, 2025, at Sacramento, California.

A handwritten signature in cursive script, reading "Nancy Farias", written over a horizontal line.

Nancy Womack Farias, Director

**DECLARATION OF KIM BIMESTEFER IN SUPPORT OF
THE STATE OF COLORADO’S COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF**

I, KIM BIMESTEFER, declare and state as follows:

1. I am the Executive Director for Colorado’s Department of Health Care Policy & Financing (“HCPF”). I make this declaration based on my own personal knowledge. If called upon to testify, I could and would testify completely to the truth of the matters stated herein.

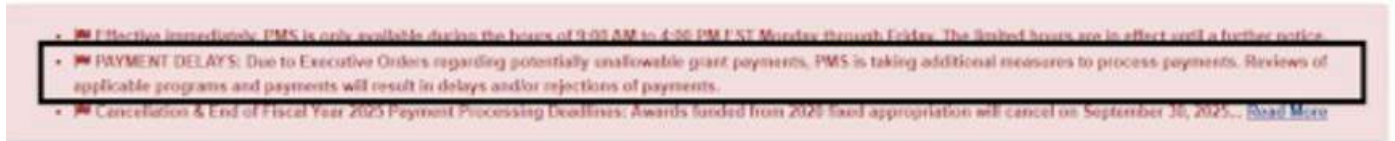
2. As Executive Director, I have personal knowledge of the matters set forth below, or have knowledge of the matters based on my review of information and records gathered by my staff.

3. I am providing this declaration to explain certain impacts of the memorandum “Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs,” Matthew J. Vaeth, Acting Director of the Office of Management and Budget (January 28, 2025) (“OMB Memo”), which pauses all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by certain executive orders, on the State of Colorado.

4. As of January 28, 2025, the memo has had crippling effects on the operations of the State of Colorado, including but not limited cessation of disbursement of funds essential to critical state operations supporting healthcare.

5. Specifically, Colorado currently receives more than \$11 billion in annual federal funding, including \$9 billion in Medicaid funding.

6. As of yesterday, HCPF was notified by Payment Management Services, which processes grant payments for the federal government, that due to the OMB Memo, grant payments would be delayed or rejected.



7. The mission of HCPF is to improve healthcare equity, access and outcomes for the people we serve while saving Coloradans money on healthcare and driving value for Colorado.

8. Colorado Medicaid and Colorado's Children's Health Insurance Program (CHIP) provide healthcare coverage for more than 1.2 million Coloradans, more than any other healthcare payer in the state. Federal matching payments make up 57% of Colorado's Medicaid and CHIP total budget.

9. I estimate the total amount of funding implicated as follows:

- a. Total federal funds estimated for State Fiscal Year 24-25 (SFY, July 1, 2024 - June 30, 2025) are \$8.9 billion.
- b. The Federal Fiscal Year 24-25 Q2 estimate of remaining funds implicated is \$1.92 billion.

10. Colorado submits Medicaid/CHIP drawdown requests through the federal Payment Management Services system on a daily basis. Estimated federal funds disbursement for Colorado for the next two weeks is approximately \$185 million. The system was unavailable for the federal draw for January 28, 2025, of \$12 million. The State had already submitted the payments to healthcare providers and program vendors. The system remains unavailable at this time and federal funds have not been paid.

11. The State of Colorado alone cannot cover the costs required to maintain Colorado Medicaid and CHIP provider payments, program systems, and other costs associated with these vital benefits. Coloradans' coverage for - and therefore their access to - vital preventive and urgent healthcare services will be interrupted if the OMB memo continues to block federal matching payments to the State of Colorado.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 28th day of January, 2025, in Denver, Colorado.

A handwritten signature in black ink, appearing to read 'KB-1' or similar, written in a cursive, stylized font.

KIM BIMESTEFER
Executive Director, Colorado Department of
Health Care Policy and Financing

**DECLARATION OF STAN HILKEY IN SUPPORT OF
THE STATE OF COLORADO’S COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF AND**

I, Stan Hilkey, declare and state as follows:

1. I am Executive Director at Colorado’s Department of Public Safety (“CDPS”). I make this declaration based on my own personal knowledge. If called upon to testify, I could and would testify completely to the truth of the matters stated herein.

2. As Executive Director, I have personal knowledge of the matters set forth below, or have knowledge of the matters based on my review of information and records gathered by my staff.

3. I am providing this declaration to explain certain impacts of the memorandum “Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs,” Matthew J. Vaeth, Acting Director of the Office of Management and Budget (January 28, 2025) (“OMB Memo”), which pauses all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by certain executive orders, on the State of Colorado.

4. As of noon on January 28, 2025, the memo has had crippling effects on the operations of the State of Colorado, including but not limited cessation of disbursement of funds essential to critical state operations supporting public safety.

5. Specifically, Colorado currently receives more than \$11 billion in annual federal funding. DPS’s divisions estimate that they have over \$987 million in grant money that has been awarded but not distributed to the agencies. DPS’s divisions receive over \$1 million per month in federal payroll support to provide public safety services to the State of Colorado.

6. As of this morning, multiple divisions of CDPS (including the Department of Homeland Security and Emergency Management, the Colorado State Patrol, the Division of Criminal Justice, and the Department of Fire Prevention and Control) were notified by Payment Management Services, which processes grant payments for the federal government, that due to the OMB Memo, grant payments would be delayed or rejected.

7. The mission of CDPS is to safeguard lives and provide diverse public safety services to local communities.

8. The Colorado Department of Homeland Security and Emergency Management (DHSEM) estimates that it has over \$867 million in federal grants that it has been awarded but has not yet received from the federal government.

9. The State Homeland Security Grant Program has over \$4.3million outstanding for 2024. The program provides risk-based grants to assist state, local, tribal and territorial efforts in preventing, protecting against, mitigating, responding to and recovering from acts of terrorism and other threats.

10. The Emergency Management Performance Grant has over \$5 million outstanding for each of 2023 and 2024. The program provides state, local, tribal and territorial emergency management agencies with the resources required for implementation of the National Preparedness System and works toward the National Preparedness Goal of a secure and resilient nation. The grant's allowable costs support efforts to build and sustain core capabilities across the prevention, protection, mitigation, response and recovery mission areas.

11. The Urban Area Security Initiative has over \$3.5 million outstanding for 2024; that focuses on enhancing the ability of high-risk urban areas to prevent, prepare for, protect against, and respond to potential terrorist attacks.

12. The State Local Cyber Security Grant program has over \$6 million outstanding for 2024; it provides funding to eligible entities to address cybersecurity risks and threats to information systems owned or operated by or on behalf of state, local, or tribal governments.

13. Other impacted grants include the Targeted Violence and Terrorism Prevention program (providing funding to establish or enhance capabilities to prevent targeted violence and terrorism), the Emergency Operations Center Grant program (improves emergency management and preparedness capabilities), FEMA's Public Assistance Program (providing assistance so communities can quickly respond to and recover from major disasters or emergencies), the Nonprofit Security Grant Program (to enhance security for nonprofit organizations that are at high risk of terrorist attack), the STOP School Violence program (improving school safety by providing students, teachers, and staff with the tools to recognize, respond quickly to, and prevent acts of violence), the Shelter and Services Program (which supports Customs and Border Protection in the safe, orderly, and humane release of noncitizen migrants from short-term holding facilities), and grants to "develop, improve, and carry out emergency plans" within the National Response System and the Emergency Planning and Community Right-to-Know Act of 1986.

14. DHSEM estimates that approximately \$610,000 in monthly payroll are supported through federal grants.

15. Lack of federal grant funds will slow local disaster recovery, leaving Colorado vulnerable to natural disasters in the middle of winter.

16. Without federal grants, DHSEM could be forced to shut down the cybersecurity end-point detection programs for local governments.

17. The Department of Criminal Justice (DCJ) estimates that it has been awarded over \$156 million in grant funding, of which over \$120 million has yet to be paid to DCJ.

18. The DCJ serves as the State Administrating Agency for federal Department of Justice funding. In this role, the DCJ is responsible for managing and distributing federal grants to support statewide and local criminal justice and public safety initiatives. This includes overseeing programs that directly support law enforcement, victim services, crime prevention, and reentry efforts.

19. The DCJ relies on the grants it has been awarded to provide statewide support to victims of human trafficking and violent crimes such as rape, sexual assault, aggravated assault and domestic violence; support for law enforcement officers to ensure they have the resources they need to safely perform their duties; crime prevention efforts that support community collaborations to ensure long-term crime reductions; and services to support those who are involved in the criminal justice system at all levels.

20. DCJ regularly draws down approximately \$10 million of its grant funds per quarter to enable administration of its programs. DCJ has not received funds since December 2024. DCJ has 40 individuals whose positions are funded fully or in part by federal grant dollars, representing 39% of DCJ staff.

21. The Colorado State Patrol (CSP) estimates that it receives approximately \$550,000 per month from the federal government to assist with payroll expenses for employees working on federal joint task forces and on commercial motor vehicle safety.

22. CSP will not be able to provide commercial vehicle regulation and enforcement services to Colorado without the federally-supported FTE impacted by this decision.

23. The Department of Fire Prevention and Control (DFPC) estimates that it receives approximately \$50,000 in monthly payroll support from federal grants.

24. DFPC is in the midst of the vital fire mitigation season; without federal support it will be unable to provide mitigation services, endangering Coloradan's lives and property in the upcoming fire season.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 28th day of January, 2025, in Lakewood, Colorado.

/s/

Stan Hilkey
Director, Colorado Department of Public
Safety

**DECLARATION OF MICHELLE BARNES IN SUPPORT OF
THE STATE OF COLORADO’S COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF AND**

I, Michelle Barnes, declare and state as follows:

1. I am the Executive Director of Colorado’s Department of Human Services (“CDHS”). I make this declaration based on my own personal knowledge. If called upon to testify, I could and would testify completely to the truth of the matters stated herein.

2. As Executive Director, I have personal knowledge of the matters set forth below, or have knowledge of the matters based on my review of information and records gathered by my staff.

3. I am providing this declaration to explain certain impacts of the memorandum “Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs,” Matthew J. Vaeth, Acting Director of the Office of Management and Budget (January 28, 2025) (“OMB Memo”), which pauses all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by certain executive orders, on the State of Colorado.

4. The mission of CDHS is to support people and families by connecting them with assistance, resources and support at every stage of their lives.

5. CDHS currently receives more than \$981 million in annual federal funding to support delivery of services that support child welfare, economic assistance, behavioral health and older adults.

6. As of the morning of January 28, 2025, CDHS can no longer access its federal grant databases where it seeks reimbursement for major grant programs like Temporary Assistance for Needy Families (TANF), Title IV-E, and Medicaid.

7. The OMB's ongoing pause will have significant immediate and long-term impacts on the CDHS's ability to deliver services to its constituents.

8. First, the uncertainty caused by the OMB memo and anticipated funding pause creates significant risk for Colorado and will have an immediate detrimental impact on its ability to provide services to its constituents.

9. Without knowing whether and when federal dollars will be reimbursed on reimbursement-based grants, for instance, state agencies may not be able to outlay those funds, causing immediate pause or termination of government services in some sectors.

10. The memorandum has resulted in widespread consternation and confusion from sub-grantees contracted with agencies around whether work conducted between now and February 10th will be reimbursed. Agencies are uncertain how to advise or whether to stop certain activities to the detriment of critical service delivery modalities.

11. CDHS receives federal drawdown on a variety of timelines, including on an ad hoc reimbursement basis, monthly, or quarterly basis. CDHS receives approximately \$8 million in monthly reimbursements for Titles IV-E and IV-B of the Social Security Act, which support critical child welfare activities. The Supplemental Nutrition Assistance Program (SNAP) includes federal funding drawdown of \$5.6 million monthly, and TANF includes approximately \$16 million per month in critical service federal funding.

12. Based on the text of the OMB memorandum, there is a significant risk that CDHS will not receive those funds, and will therefore need to immediately begin assessing whether to immediately cancel or pause provision of important state services.

13. The OMB memorandum contemplates that the anticipated pause may last several weeks or longer. The memorandum simply orders agencies to submit information to OMB by February 10, 2025, but provides no guidance regarding when state funding will be un-paused.

14. A significant delay in federal funding will dramatically impact the health, welfare, and economic conditions of Colorado and its populace. While Colorado may ultimately succeed in providing sufficient cash-flow to overcome a pause of a few days in funding, a pause may result in the cancellation of benefits and supportive programs to Colorados, including food assistance, certain family support services, and other federal assistance programs, directly and negatively impacting Colorado and its constituents.

15. A two-week freeze in federal funding would result in a loss of approximately \$41 million in federal funds for CDHS alone.

16. Beyond ambiguity around continuation of funding, a two-week loss of funds would result in the inability of Colorado to provide benefits to Coloradans in need of direct payments that support their ability to feed their families and heat their homes in the midst of winter. County child welfare agencies could become responsible for using local tax dollars to replace the loss of federal dollars that support foster care payments and adoption assistance. The impact to SNAP alone extends to hundreds of thousands of families. The federal funding freeze covers the first 10 days of the month, when SNAP issuances occur. This means that approximately 330,000 households and 618,000 people would not have access to the benefits that keep themselves and their families

fed. Even temporary food insecurity leads to significant negative impacts on health and mental health, especially for children.

17. Beyond economic assistance, there are heavy implications for behavioral health programming. Within CDHS, the Behavioral Health Administration receives \$88 million annually to support treatment of substance use disorders, or about \$7.3 million per month. Loss of any part of these funds will result in a decline in available services provided in the community.

18. Because Colorado operates on a “letter of credit” mechanism for several programs, including Title IV-E, there is an immediate impact on practice should Colorado begin spending against previously promised funds that do not materialize.

19. County funding would be reduced by 50% for the period of time funds are frozen, which will require counties to reduce their budgets, including caseworker staff, accordingly. While their responsibilities to accept, triage, assess for abuse and neglect, assess for safety and risk of children, safety plan accordingly, and, if appropriate, ensure and fund out of home placements because safety cannot be addressed do NOT decrease whatsoever per Colorado law, the corresponding doubling of activity might undermine a child's right to safety and a family's right for a preserved, supported family when they need help and qualify, federally, for such assistance. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 28th day of January, 2025, in Denver, CO.

/s/ Michelle Barnes

Michelle Barnes
Executive Director
Colorado Department of Human Services

DECLARATION OF MARIA DE CAMBRA IN SUPPORT OF
THE STATE OF COLORADO’S COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF

I, Maria De Cambra, do hereby declare and state as follows:

1. I am the current Executive Director of the Colorado Department of Local Affairs (“DOLA”). I have served in this role since December 4, 2023.
2. This declaration is submitted in support of the State’s Motion for a Temporary Restraining Order and Declaratory Relief in the above captioned matter.
3. The statements made in this Declaration are based on knowledge acquired by me in the performance of my official duties and in conjunction with my review of information and records gathered by my staff.
4. I am providing this declaration to explain certain impacts of the memorandum “Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs,” Matthew J. Vaeth, Acting Director of the Office of Management and Budget (January 28, 2025) (“OMB Memo”), which pauses all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by certain executive orders, on the State of Colorado.
5. On January 27, 2025, the Office of Management and Budget (OMB) within the Executive Office of the President issued a Memorandum for Heads of Executive Departments and Agencies (“OMB Memo”). The OMB Memo pertained to the subject of “Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs.” The OMB

Memo purports to “temporarily pause all activities” related to disbursement of federal funds by January 28, 2025.

6. As of noon on January 28, 2025, the OMB Memo has had crippling effects on the operations of the State of Colorado, including but not limited cessation of disbursement of funds essential to DOLA and critical state operations supporting local governments through our Department’s grant programs and robust technical assistance to encourage innovative solutions to the most pressing challenges faced by our communities, including a home for every Colorado budget, key infrastructure upgrades and improvements, disaster recovery, enhanced public safety and sound land use planning and community development.
7. Specifically, Colorado currently receives more than \$11 billion in annual federal funding, including \$323 million in DOLA funding, as well as funding for education, highway safety, human services, public health and the environment, and labor and employment. This impact will be crippling to the short and long-term health and wellbeing of the people in our state who we are committed to serve.
8. As of this morning, January 28, 2025, DOLA learned that the Payment Management Services is inaccessible, which created delays in accessing grant payments. This creates an impediment for DOLA’s reimbursement of \$1,697,015 for the Community Services Block Grant (CSBG) program to local communities. These grants are critical to Coloradans as it provides essential funding to local organizations that help individuals and families achieve self-sufficiency. By addressing poverty-related challenges such as housing instability, access to education, and employment, CSBG grants empower communities to improve overall well-being and economic stability.

9. Also, DOLA is gravely concerned about the impact of any delay in federal funds related to the following programs: 811 vouchers; Homeless Emergency Solutions Grants (ESG), Emergency Solutions Grants CARES Act (ESG-CV), Housing Opportunities for Persons with AIDS (HOPWA), Housing Trust Fund, and the HOME Investment Partnerships Program (HOME).

- a. Section 811 program provides rental subsidies to assist over 60 families in Colorado's very low income people with significant and long-term disabilities so that they may live independently in the community by providing affordable housing linked with voluntary services and support. Currently, DOLA has requested approximately \$323,000 in voucher reimbursements. Each month DOLA anticipates approximately \$115,000 needed in future reimbursements. Delayed of these reimbursements means that DOLA would need to identify funds to cover this program in a tight state budget year.
- b. The Emergency Solutions Grant (ESG) and ESG Coronavirus (CV) is the first step in a continuum of assistance to prevent homelessness and enable individuals and families experiencing or at risk of homelessness to move toward permanent housing by providing shelter operations, street outreach, homeless prevention & rapid rehousing, HMIS operations. Currently, DOLA has requested approximately \$366,000 in draw downs on the grants. DOLA anticipates drawing each of the entire grant agreements. This program supports over 30,000 Coloradans a year and not receiving this funds would be detrimental.
- c. The Housing Opportunities for Persons With AIDS (HOPWA) Program is the only Federal program dedicated to the housing needs of people living with

HIV/AIDS, and under this program, HUD makes grants to local communities, States, and nonprofit organizations for projects that benefit low-income persons living with HIV/AIDS and their families. Currently, DOLA has requested approximately \$17,000 in draw downs on the grants. DOLA anticipates drawing down each of the entire grant agreements.

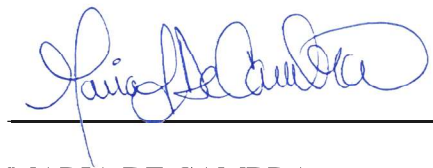
- d. The Housing Trust Fund (HTF) increases and preserves the supply of decent, safe, and sanitary affordable housing for extremely low-income households, those earning at or below 30% of the area median income (AMI). Currently, DOLA has requested approximately \$603,000. DOLA anticipates drawing each of the entire grant agreements. On February 11, 2025, DOLA was going to present for \$1,200,000 in an affordable housing project which would have resulted in 40 units. This program funds approximately 200 rental units annually.
 - e. The Home Investment Partnership Program (HOME) provides competitive funding to local government, non-profit and private developers. The purpose of the HOME Program is to address a wide range of activities that build, buy, and/or rehabilitate affordable housing for rent or ownership or provide direct rental assistance to low-income people. On February 11, 2025, DOLA will present to the State Housing Board for \$2,650,000 in affordable housing projects which would have resulted in 152 units. If DOLA does not receive this reimbursement, DOLA will have to identify the funds in a tight state budget year.
10. The OMB Memo immediately calls into question the availability of funds necessary to support DOLA's mission to strengthen local governments and fund critical operations to create opportunities for every Coloradan to have a safe and affordable place to call home.

11. First, the uncertainty caused by the OMB Memo and anticipated funding pause creates significant risk for Colorado and will have an immediate detrimental impact on DOLA's ability to provide programs and services to its constituents and creates a devastating level of uncertainty in the ability for our state's most vulnerable populations to have their most basic needs met.
12. Without knowing whether and when federal dollars will be reimbursed on reimbursement-based grants, for instance, DOLA may not be able to outlay those funds, causing immediate pause or termination of government services in some sectors.
13. Colorado saw a 51% increase in the number of people experiencing homelessness in our state, from 35,000 people in Fiscal Year 2020 to over 53,000 people in Fiscal Year 2024. Statewide, eviction filings have increased 91.9% from 2021-2024. The number of apartments with rents under \$1,000 dropped to a quarter of their former supply in just over a decade. 45% (329,000) of Colorado renters are cost-burdened. Federal support is critical to support the most vulnerable in our state.
14. As of the morning of January 28, 2025, DOLA has identified \$4,245,043.86 in drawdown payments on January 31, 2025. Based on the text of the OMB memorandum, there is a significant risk that it will not receive those funds, and will therefore need to immediately begin assessing whether to immediately cancel or pause provision of important DOLA services.
15. The OMB memorandum contemplates that the anticipated pause may last several weeks or longer. The memorandum simply orders agencies to submit information to OMB by February 10, 2025, but provides no guidance regarding when DOLA funding will be unpaused.

16. A significant delay in federal funding will dramatically impact the health, welfare, and housing conditions of Colorado and its populace. While Colorado may ultimately succeed in providing sufficient cash-flow to overcome a pause of a few days in funding, a significant pause will result in cancellation of federally funded grant programs, directly and negatively impacting DOLA and local communities across the state.
17. The loss of critical funding will prevent DOLA from providing start-up loans to help Coloradans with the purchase of their first home and essential housing assistance, and preserving and building new affordable housing for seniors, teachers, fire fighters, and other critical segments of Colorado's population and workforce.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 28th day of January, 2025, in Denver, Colorado.



MARIA DE CAMBRA

Executive Director,

Colorado Department of Local Affairs

DECLARATION OF MARK FERRANDINO IN SUPPORT OF
THE STATE OF COLORADO’S COMPLAINT FOR DECLARATORY AND
INJUNCTIVE RELIEF

I, Mark Ferrandino, declare and state as follows:

1. I am the current Director of the Office of State Planning and Budgeting (OSPB) for the State of Colorado. I have served in this role since July 24, 2023.
2. The statements made in this Declaration are based on knowledge acquired by me in the performance of my official duties and in conjunction with facts made known to me from state government agencies based on my role as the Director of OSPB.
3. I am providing this declaration to explain certain impacts of the memorandum “Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs,” Matthew J. Vaeth, Acting Director of the Office of Management and Budget (January 28, 2025) (“OMB Memo”), which pauses all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by certain federal executive orders, on the State of Colorado.
4. As of noon on January 28, 2025, the memo has had crippling effects on the operations of the State of Colorado, including but not limited to cessation of disbursement of funds essential to critical state operations supporting healthcare, education, highway safety, human services, public health and environment, and labor and employment.
5. Specifically, Colorado currently receives more than \$11 billion in annual federal funding, including \$9 billion in Medicaid funding, as well as funding for education, highway safety, human services, public health and the environment, and labor and employment.

6. The OMB memo immediately calls into question the availability of funds necessary to fund critical state operations such as healthcare, emergency relief, highway safety, and food safety for minor children and vulnerable adults, among other things.
7. The OMB's ongoing uncertainty will have significant immediate and long-term impacts on Colorado's ability to deliver necessary services to its constituents.
8. The uncertainty caused by the OMB memo and anticipated funding pause creates significant risk for Colorado and will have an immediate detrimental impact on its ability to provide services to its constituents. Without knowing whether and when federal dollars will be reimbursed on reimbursement-based grants, for instance, state agencies may not be able to outlay those funds, causing immediate pause or termination of government services in some sectors. By way of example, the amount of funds at risk is remarkable. The Colorado Department of Transportation has \$860 million dollars at risk. The Colorado Department of Public Health and Environment has \$325 million dollars at risk. The Colorado Department of Health and Human Services has \$616 million dollars at risk. These are just three examples of state agencies that provide critical services to Colorado, with impact to life and health, that cannot afford the uncertainty anticipated in the OMB Memo.
9. The uncertainty of when, and even whether, federally obligated payments will be disbursed puts the state in an impossible situation with regard to its responsibility towards subrecipients carrying out state-contracted work that is ultimately federally funded. The state has to either take on financial risk to continue paying subrecipients while federal payments are suspended - an option that is constrained by limited state resources - or else reduce this financial risk by ordering subrecipients to stop work, which creates legal risks for the state with regard to their contractual obligations towards these entities.

10. Colorado typically receives nearly \$1.2 billion in drawdown payments on average each month.

Based on the text of the OMB memorandum, there is a significant risk that it will not receive those funds, and will therefore need to immediately begin assessing whether to immediately cancel or pause provision of important state services, including the provision of medical care, infrastructure projects, childcare, and food assistance

11. The OMB memorandum contemplates that the anticipated pause may last several weeks or longer. The memorandum simply orders agencies to submit information to OMB by February 10, 2025, but provides no guidance regarding when state funding will be un-paused.

12. A significant delay in federal funding will dramatically impact the health, welfare, and economic conditions of Colorado and its populace. While Colorado may ultimately succeed in providing sufficient cash-flow to overcome a pause of a few days in funding, a significant pause of more than a week will cause the State to take dramatic actions to uphold our contractual commitments and remain financially solvent.

13. A pause in funding for legal obligations will cause great harm to Colorado's financial portfolio by forcing us to sell financial assets at a substantial loss in order to meet these existing legal obligations that rely upon signed agreements with the federal government

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 28th day of January, 2025, in Denver, CO.

/s/

A handwritten signature in black ink, appearing to read "Mark Fendley", with a long horizontal flourish extending to the right.

Director of the Office of State Budget and Planning

Declaration of Jeffrey R. Beckham

I, Jeffrey R. Beckham, hereby declare:

1. I am the Secretary of the Connecticut Office of Policy and Management, a position I have held since 2022. As Secretary, I have oversight of all aspects of Connecticut's staff planning and analysis in the areas of budgeting, management, planning, intergovernmental policy, criminal and juvenile justice planning and program evaluation. Prior to holding this position, I was Undersecretary for Legislative Affairs at the Connecticut Office of Policy and Management.
2. As the Secretary, I have personal knowledge of the matters set forth below, or have knowledge of the matters based on my review of information and records gathered by my staff.
3. I am providing this declaration to explain certain impacts of the memorandum "Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs," Matthew J. Vaeth, Acting Director of the Office of Management and Budget (January 28, 2025) ("OMB Memo"), which pauses all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by certain executive orders, on the State of Connecticut.
4. My staff has reviewed the records of our state agencies and have identified impacts, as described below, that the OMB Memo has on several Connecticut state agencies and their associated activities.
5. **Overall State Agency Impact.** Federal funds impacted by the OMB Memo are utilized to support the salaries of state employees at various Connecticut state agencies. For the fiscal year ending June 30, 2024, 3,151 state employees had some or all of their salary paid from

federal funds, totalling \$283 million. Of this amount, nearly 400 are employed in the Department of Public Health.

6. **Department of Transportation.** In excess of \$5 billion of federal funds are currently programmed in many different stages at the Department of Transportation. At least \$3.2 billion is allotted in the state accounting system and currently assigned to specific projects and contracts underway. Any stoppage of projects will cause the loss of jobs across the state in many sectors including the construction trades, materials providers, engineering services, and secondary businesses that support that workforce. Not all projects can be suspended or terminated without creating a safety risk and may incur significant costs to stabilize and bring to a close or suspension.
7. **Office of Early Childhood.** The most immediate disbursements affected are to the Child Care Development Fund (CCDF), Infant Early Childhood Home Visiting (MIECHV), Community Based Child Abuse Prevention Act (CBCAP,) US Treasury American Rescue Plan Act (ARPA) funds and the CT State Head Start Collaboration Office. The immediate estimated amount of funding impacted is approximately five million dollars for the CCDF program (for quarter ending December 31, 2024), representing the estimated drawdown for approved, prior expenditures. In addition, Connecticut's OEC has allocated and budgeted for approximately one hundred and twenty-five million dollars from various federal agencies (including ARPA allocations), which includes previously budgeted and contracted commitments.
8. **Department of Social Services ("DSS").** DSS delivers and funds a wide range of programs and services as Connecticut's multi-faceted health and human services agency and serves over 1 million residents of all ages in all of Connecticut's cities and towns, supporting the

basic needs of children, families, and individuals, including older adults and persons with disabilities. With service partners, the agency provides health care coverage, food and nutrition assistance, financial assistance, child support services, energy aid, independent living services, social work services, protective services for the elderly, home-heating aid, and additional vital assistance. Suspension of federal funding supports directed to the delivery of necessary services to all individuals dependent on such services for basic needs for daily living jeopardizes the health, safety and wellbeing of over 1 million of Connecticut's residents, including the most vulnerable children, disabled, and elderly in our society.

9. DSS is designated as the Connecticut state agency for the administration of: (1) the Connecticut Energy Assistance Program, pursuant to the Low-Income Home Energy Assistance Act of 1981; (2) the Refugee Assistance Program, pursuant to the Refugee Act of 1980; (3) the Legalization Impact Assistance Grant Program, pursuant to the Immigration Reform and Control Act of 1986; (4) the Temporary Assistance for Needy Families program, pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; (5) the Medicaid program, pursuant to Title XIX of the Social Security Act; (6) the Supplemental Nutrition Assistance Program (SNAP), pursuant to the Food Stamp Act of 1977; (7) the State Supplement to the Supplemental Security Income Program, pursuant to the Social Security Act; (8) the state Child Support Enforcement Plan, pursuant to Title IV-D of the Social Security Act; (9) the state Social Services Plan for the implementation of the Social Services and Community Services Block Grants, pursuant to the Social Security Act; and (10) the state plan for the Title XXI State Children's Health Insurance Program.

10. The Federal funding potentially impact by the OMB Memo on DSS administered activities is in excess of \$2 billion.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 28th day of January, 2025, in Hartford, CT.

A handwritten signature in blue ink, reading "Jeffrey R. Beckham", is written over a horizontal line.

Jeffrey R. Beckham

Secretary

Connecticut Office of Policy and Management

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

DONALD TRUMP, *et al.*,

Defendants.

Civil Action No. 1:25-cv-XXX
Judge [xxx]

Declaration of The Honorable Colleen C. Davis

I, Colleen C. Davis, hereby declare:

1. I am the STATE TREASURER of DELAWARE, a position I have held since 2019. As STATE TREASURER, I have oversight and custody of all money, investments and financial assets belonging to the State of Delaware. My office has the additional responsibility of administering moneys received from federal grants, per Title 29, § 2711 of Delaware Code. Additionally, I serve as one of the State's four Bond Issuing Officers, and I am a member of the Delaware Economic and Financial Advisory Council, which assists the State in forecasting its annual operating budget and financing critical infrastructure initiatives throughout Delaware. In my capacity as State Treasurer, I also serve on the Cash Management Policy Board, which manages a cash portfolio of approximately \$5.7 billion.
2. As the STATE TREASURER, I have personal knowledge of the matters set forth below, or have knowledge of the matters based on my review of information and records gathered by my staff.

3. I am providing this declaration to explain certain impacts on the State of Delaware of the memorandum “Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs,” issued by Matthew J. Vaeth, Acting Director of the Office of Management and Budget (January 27, 2025) (“OMB Memo”), which pauses all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by certain executive orders.
4. The office of the STATE TREASURER’s mission is to create value for the citizens of Delaware by fostering a culture of financial excellence throughout state government, ensuring prudent stewardship of state tax dollars, and protecting the state’s investments.
5. According to the U.S. Department of the Treasury, Bureau of the Fiscal Service, in Federal Fiscal Year 2024, the State of Delaware received approximately \$5.2 billion in federal funding (not including Social Security).
6. In the State’s Fiscal Year 2025, the State of Delaware’s Operating Budget totaled \$6.12 billion.
7. The State of Delaware relies on federal funding as an integral component of its annual budget to meet critical obligations. These funds are not only necessary to ensure the efficient operation of essential services, but also to maintain the economic stability of our state. Federal funding supports key government programs such as public education, healthcare, infrastructure projects, public safety initiatives, and social welfare programs for vulnerable populations.
8. The abrupt pause in federal funding places immediate strain on the state’s financial resources, including on the approximately 1.1 million Delawareans that rely on these resources every day. Delaware has structured its fiscal operations on the expectation of

receiving these funds, as they have been regularly appropriated and disbursed historically.

Without these funds, Delaware risks severe disruptions to programs that directly impact the lives of its residents, especially those in disadvantaged and underserved communities.

9. The pause in funding has a cascading effect on Delaware's capacity to provide public services. For example, according to the U.S. Department of the Treasury, Bureau of the Fiscal Service, in Federal Fiscal Year 2024:

- Delaware received \$261,786,552 in federal funding from the U.S. Department of Education. Of that amount, more than \$51 million was utilized to support the National School Lunch Program in order to provide nutritious lunch service to Delaware learners, and another \$10.8 million was utilized for the Supporting Effective Instruction Grant to increase student academic achievement and improve the quality and effectiveness of teachers, principals, and school leaders. These funds are critical for public schools, particularly for programs that support low-income students, special education, and technological advancements. A funding pause will jeopardize these initiatives, leaving schools underfunded and students underserved.
- Delaware received \$2,737,661,971 in federal funding from the U.S. Department of Health and Social Services. Of that amount, more than \$191 million was awarded for Delaware's Supplemental Nutrition Assistance Program and another \$31 million was awarded for Delaware's Children's Health Insurance Program. Federally supported healthcare programs will face immediate challenges, potentially resulting in reduced access to care for thousands of residents, including children, the elderly, and individuals with disabilities.

- Delaware received \$363,606,388 in federal funding from the U.S. Department of Transportation. Of that amount, more than \$290 million was utilized to support highway planning and construction. Major transportation and infrastructure projects that rely on federal funding will face delays, resulting in increased costs, missed deadlines, and negative impacts on economic development and job creation.
- Delaware received \$92,407,092 in federal funding from the U.S. Department of Public Safety. Of that amount, more than \$24 million was utilized to support the FEMA Disaster Grants – Public Assistance program, which assists Delaware in responding to and recovering from the devastating effects of disasters. Another \$4.3 million was awarded to Delaware under the Homeland Security Grant Program, which assists Delaware in achieving core capabilities related to preventing, preparing for, protecting against, mitigating, and responding to acts of terrorism. Law enforcement grants and emergency response programs rely heavily on federal contributions. A funding pause could lead to gaps in staffing, equipment, and resources, compromising public safety.

10. Delaware's economy is sensitive to disruptions in funding. The pause threatens to harm local governments, nonprofits, and businesses that rely on federal grant disbursements. Furthermore, the uncertainty surrounding federal payments risks undermining investor confidence, potentially raising borrowing costs for the state and affecting Delaware's AAA bond rating.

11. The financial disruption caused by a funding pause has immediate and long-lasting implications. Should this temporary pause evolve into something more permanent, it will only be a matter of time until the state cannot fully absorb the financial shortfall, even with contingency funds. Ultimately, this delay undermines Delaware's ability to fulfill its constitutional duty to serve its residents effectively. Moreover, the harm caused to individuals and families relying on federally funded programs cannot be undone retroactively, making this situation a case of irreparable harm.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 28 day of January, 2025, in Nashville, Tennessee.

/s/Colleen C. Davis

Hon. Colleen C. Davis
State Treasurer
State of Delaware

Declaration of Krishnanda Tallur

I, Krishnanda Tallur, hereby declare:

1. I am the Deputy State Superintendent of the Office of Finance and Operations in the Maryland State Department of Education, a position I have held since December 2023. As Deputy State Superintendent, I have oversight of the Department's annual budget and accounting functions, cross-division fiscal monitoring, and grant administration. Prior to holding this position, I was the Deputy State Superintendent for Operations in the Maryland State Department of Education.
2. As the Deputy State Superintendent, I have personal knowledge of the matters set forth below, or have knowledge of the matters based on my review of information and records gathered by my staff.
3. I am providing this declaration to explain certain impacts of the memorandum "Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs," Matthew J. Vaeth, Acting Director of the Office of Management and Budget (January 28, 2025) ("OMB Memo"), which pauses all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by certain executive orders, on the State of Maryland.
4. The mission of the Maryland State Department of Education is to ensure a rigorous and world-class educational experience for every Maryland student, in every neighborhood, that prepares each to be college and career ready. The Division of Early Childhood seeks to improve early education in Maryland so that young children are well prepared for school. Among other things, the Division administers the Child Care Scholarship Program, which helps income-eligible families pay for high-quality child care and early education programs.

It is funded through the Child Care and Development Block Grant, a discretionary grant administered by the U.S. Department of Health and Human Services, Administration for Children and Families.

5. On January 28, 2025, the Department attempted to submit a request for reimbursement for Child Care Scholarship funds in the amount of \$31,682,265. The Payment Management Service portal, however, was not accessible. The webpage included a banner stating: “Due to Executive Orders regarding potentially unallowable grant payments, PMS is taking additional measures to process payments. Reviews of applicable programs and payments will result in delays and/or rejections of payments.”
6. If the Payment Management Service portal does not re-open, the State of Maryland will not be reimbursed with federal funds for payments the State has made to child care providers in accordance with program requirements. This would have a significant fiscal impact on the State and impact a growing number of Maryland families. From FY 2022 to January 2024, there has been a 74.8% increase in the number of families served (totaling 26,505) and a 69.3% increase in the number of children served (totaling 40,632). As of January 28, 2025, there are active scholarships for 41,256 children associated with 28,280 families. These children are enrolled with a total of 3,563 unique child care providers.
7. The Department has an additional \$11 million in expenditures scheduled to be drawn within the next two weeks. If the Payment Management Service portal does not re-open, it will compromise the viability of the Child Care Scholarship Program.

SIGNATURE PAGE FOLLOWS

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 28th day of January, 2025, in Baltimore Maryland.

A handwritten signature in black ink, appearing to read 'K. Tallur', written over a horizontal line.

Krishnanda Tallur
Deputy State Superintendent
Maryland State Department of Education

DECLARATION OF MATTHEW J. GORZKOWICZ

I, Matthew J. Gorzkowicz, hereby depose and state as follows:

1. I am the Secretary of Administration and Finance for the Commonwealth of Massachusetts. I have held that position since January 5, 2023. I make this declaration as a representative of the Massachusetts Executive Office for Administration and Finance (A&F), in part based on the business records of the Commonwealth of Massachusetts and in part based on my personal knowledge and experience. In my official capacity and based on my personal knowledge and other sources of information I have obtained and reviewed in that official capacity, I am familiar with, and if called upon to do so would be competent to testify to, the facts and circumstances set forth herein.

2. In state FY 2024, July 1, 2023, through June 30, 2024, the Commonwealth of Massachusetts received \$21,793,723,938 in federal funding. This funding was used by Commonwealth entities for a variety of important state services and projects, including (without limitation) for highway and road improvement projects, housing vouchers, education, transportation, unemployment assistance, public health initiatives, efforts to remove lead pipes, and other important initiatives impacting the health, welfare, and economic stability of the Commonwealth.

3. On January 27, 2025, acting director of the Office of Management and Budget Matthew J. Vaeth issued M-25-13, a “Memorandum for the Heads of Executive Departments and Agencies.” That memorandum directed that all “Federal agencies must temporarily pause all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by the executive orders, including, but not

limited to, financial assistance for foreign aid, nongovernmental organizations, DEI, woke gender ideology, and the green new deal.” M-25-13 at 2.

4. The memorandum further stated that the “temporary pause will become effective on January 28, 2025 at 5:00 PM.” *Id.*

5. On the morning of January 28, 2025, the Commonwealth attempted to log into the U.S. Department of Health and Human Services’ Payment Management System (PMS) but was unable to login. All login attempts since then have been unsuccessful. The Commonwealth outreached to the HHS Regional Office on January 28, 2025, but have not gotten a response informing us when access would be reinstated.

6. On January 24, 2025, the Commonwealth entered a \$37.2m draw for federal financial participation of Medicaid and Children’s Health Insurance Program (CHIP) expenditures into the U.S. Department of Health and Human Services’ Payment Management System (PMS). The transaction was posted successfully through the Smartlink Medicaid draw system, but as of January 28, 2025, payment of the federal funds has not been received by the Commonwealth.

7. Federal funding streams are structured in a number of ways; importantly, not all federal grants are paid out immediately after the federal government awards the funds to a recipient. Many grants are structured on reimbursement or periodic payment models.

8. For reimbursement-structured grants, the Commonwealth outlays funds and then seeks reimbursement from the federal government at a predetermined rate for those funds.

9. For example, the amount of federally obligated funds for health services for state FY2025 is approximately \$14,937,785,244.00.

10. As another example, the amount of federally obligated funds state in education for state FY2025 is \$2,190,511,000.00.

11. And as another example, the amount of federally obligated funds in Byrne JAG for state FY2025 is \$6,452,429.00.

12. The amounts noted in paragraphs 9 through 11, inclusive, serve as examples of some of the known amounts that have been made available to the Commonwealth through a grant award, at minimum, or federal reimbursements for state FY 2025 as of this date. These amounts are best estimations and in a regular fiscal year are subject to fluctuations, due to common calculation adjustments, such as changes in projected utilization of programs, or subsequent authorization.

13. The OMB's ongoing pause will have significant immediate and long-term impacts on the Commonwealth's ability to deliver services to its constituents.

14. First, the uncertainty caused by the OMB memo and anticipated funding pause creates significant risk for the Commonwealth and will have an immediate detrimental impact on the Commonwealth's ability to provide services to its constituents and meet the Commonwealth's responsibilities to cover its own expenses which were undertaken under the expectation of reimbursement through valid grant agreements and other funding instruments.

15. Without knowing whether and when federal dollars will be reimbursed on reimbursement-based grants, for instance, state agencies may not be able to outlay those funds, causing immediate pause or termination of government services in some sectors.

16. Further, the Commonwealth employs about 2,991.1 full time equivalent workers through federal grants.

17. Second, the Commonwealth is currently slated to receive drawdown payments through the term of this OMB memo, from multiple federal sources. Based on the text of the OMB memorandum, there is a significant risk that the Commonwealth will not receive those funds or that receipt of those funds will be materially delayed, and will therefore need to immediately begin assessing whether to modify the provision of important state services.

18. Third, the OMB memorandum contemplates that the anticipated pause may last several weeks or longer. The memorandum simply orders agencies to submit information to OMB by February 10, 2025, but provides no guidance regarding when state funding will be unpaused.

19. A significant delay in federal funding will dramatically impact the health, welfare, and economic conditions of the Commonwealth and its populace, resulting in modification of federally funded grant programs, directly and negatively impacting the Commonwealth and its constituents.

SIGNED UNDER THE PENALTIES OF PERJURY THIS 28th DAY OF JANUARY, 2025.

A handwritten signature in black ink, reading "Matthew J. Gorzkowicz". The signature is written in a cursive style with a horizontal line underneath the name.

Matthew J. Gorzkowicz
Secretary of Administration and Finance for the
Commonwealth of Massachusetts

DECLARATION OF MICHAEL F. RICE, PH.D.

I, Michael F. Rice, Ph.D., pursuant to 28 U.S.C. § 1746, hereby declare that the following is true and correct:

1. I am the Superintendent of Public Instruction within the Michigan Department of Education (MDE), a position I have held since 2019. As State Superintendent, I oversee the entire MDE, including the Division of Business, Health, and Library Services; the Division of Assessment, School Improvement, and Systems Support; and the Division of Education Excellence, Career and Technical Education, Special Education and Administrative Law.

2. As State Superintendent, I have personal knowledge of the matters set forth below or have knowledge of the matters based on my review of information and records gathered by my staff.

3. I provide this declaration to explain certain impacts on MDE, the federal programs overseen by MDE, and the education of Michigan children, of the Office of Management and Budget (OMB) memorandum titled “Memorandum for Heads of Executive Departments and Agencies,” issued on January 27, 2025, M-25-13, (the “OMB Memo”), which pauses “all Federal financial assistance” effective January 28, 2025, at 5:00 PM.

Michigan Department of Education

4. MDE is the state education agency (SEA) for the federal programs, including programs under the Individuals with Disabilities Education Act (IDEA),

Title I through IV of the Elementary and Secondary Education Act (ESEA), and the National School Lunch Act and Child Nutrition Act.

5. MDE is budgeted to receive more than \$2.3 billion from the federal government in fiscal year 2025 which, among other things, funds more than half of MDE's staff. Of the more than \$2.3B that MDE receives, approximately \$878 million is for child nutrition programs, \$488M is for special education through IDEA, \$714M is for Title I-IV programs, and \$248M is for other federal programs.

Impacts of the OMB Memo

6. While the exact contours of the OMB Memo are unknown, to the extent that the OMB Memo applies to all federal financial assistance that MDE receives, the OMB Memo will have a direct and adverse impact on the State of Michigan's ability to operate the associated programs.

7. Federal funding accounts for approximately 9 percent of the State's education funding and pays for more than half of MDE's staff. If this funding is withheld, local school districts will have to determine cuts to federally funded programs, including for economically disadvantaged students, and MDE will be forced to consider reducing its staffing and the services that it provides. Such reductions in staff and/or services will affect MDE's ability to assist local school districts in educating children and may reduce or delay subgrants of funds to local districts.

8. The OMB Memo will also have a direct and adverse impact on the children of Michigan, who are the intended beneficiaries of the federal financial assistance that flows through these programs.

9. The reduction of funding will result in fewer funds flowing to local districts and will result in decreased resources to fund teachers and educational programming for students.

10. The reduction of funding could also have an adverse impact on the students who attend the Michigan School for the Deaf, a program operated directly by MDE. All students at the Michigan School for the Deaf have individualized education programs (IEPs) pursuant to the IDEA.

11. In addition, the OMB Memo has raised concerns among educators in Michigan that the ability to meet the educational needs of students could be adversely affected in the foreseeable future. Education leaders in Michigan may be forced to consider layoffs and reductions of services, given the specter of withholding of federal funds.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: January 28, 2025

A handwritten signature in black ink, reading "Michael F. Rice". The signature is written in a cursive, flowing style.

Michael F. Rice, Ph.D.
State Superintendent
Michigan Department of Education

DECLARATION OF ELIZABETH HERTEL

I, ELIZABETH HERTEL, pursuant to 28 U.S.C. § 1746, hereby declare that the following is true and correct:

1. I am the Director the Michigan Department of Health and Human Services (MDHHS).
2. Through my role, I have personal knowledge of the matters set forth below or have knowledge of the matters based on my review of information and records gathered by my staff.
3. I am providing this declaration to explain certain impacts on MDHHS, the federal programs overseen by MDHHS, and the health and welfare of Michigan's residents, of the Office of Management and Budget (OMB) memorandum titled "memorandum for Heads of Executive Departments and Agencies," issued on January 27, 2025, M-25-13, (the "OMB Memo"), which pauses "all Federal financial assistance" effective January 28, 2025, at 5:00 PM.

Michigan Department of Health and Human Services

4. MDHHS receives \$26.6 billion from the federal government each year, which accounts for approximately 71% of MDHHS's budget.
5. For fiscal year 2025, MDHHS has been awarded approximately 400 federal grants. The largest five grant programs that receive federal financial assistance include:

Program name	Associated Federal agency	FY 25 allocation
Medicaid	HHS/CMS	\$19,860,169,100
SNAP	USDA/FNS	\$3,238,231,400
TANF	HHS/ACF	\$772,794,194
CHIP	HHS/CMS	\$314,040,100
Title IV-E Foster Care and Adoption	HHS/ACF	\$267,702,700

Impacts of the OMB Memo

6. While the exact contours of the OMB Memo are unknown, to the extent the OMB Memo applies to all federal programs, funding through grants to the State, the OMB Memo will have a direct, immediate, and adverse impact on the State of Michigan's ability to operate these programs, including Medicaid, Title IV-E, SNAP, TANF, etc. The OMB Memo will also have a direct, immediate, and adverse impact on the Michigan residents who are the intended beneficiaries of this federal financial assistance.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: January 28, 2025



Elizabeth Hertel, Director
Michigan Department of Health and
Human Services

DECLARATION OF BEVERLY WALKER-GRIFFEA, PH.D.

I, Beverly Walker-Griffa, Ph.D., pursuant to 28 U.S.C. § 1746, hereby declare that the following is true and correct:

1. I am the Director of the Michigan Department of Lifelong Education, Advancement and Potential (MiLEAP). In this role, I oversee the Office of Early Childhood Education, Office of Higher Education, and Office of Education Partnerships. MiLEAP's mission is to establish and implement a statewide vision for lifelong education from preschool to postsecondary, including expanding equitable access to quality, affordable programs and services and improving outcomes for all Michiganders in early learning and care and higher education.

2. I have personal knowledge of the matters set forth below or have knowledge of the matters based on my review of information and records gathered by my staff.

3. I provide this declaration to explain certain impacts on MiLEAP, the federal programs overseen by MiLEAP, and the education of Michigan children, from the Office of Management and Budget's (OMB) memorandum titled "Memorandum for Heads of Executive Departments and Agencies," issued on January 27, 2025, M-25-13, (the "OMB Memo"), which pauses "all Federal financial assistance" effective January 28, 2025, at 5:00 PM.

Michigan Department of Lifelong Education, Advancement and Potential

4. MiLEAP is state agency that focuses on preparing children for kindergarten and helping more people earn a skill certificate or degree post-high school.

5. MiLEAP receives approximately \$600 million from the federal government each year.

6. For fiscal year 2025, MiLEAP has been award the following federal financial assistance through grant programs:

Program name	Associated Federal agency	FY 25 allocation
Child Care Development Fund	ACF	~\$490M
IDEA Part B, 619	US Ed	~\$15M
IDEA Part C	US Ed	~\$15M
Head Start Collaboration Office	US Ed	~\$225k
21 st Century Community Learning Centers	US Ed	~\$40M
Preschool Development Grant	ACF	~\$9M

Impacts of the OMB Memo

7. While the exact contours of the OMB Memo are unknown, to the extent the OMB Memo applies to all federal financial assistance that MiLEAP receives, the OMB Memo will have a direct, immediate, and adverse impact on the State of Michigan's ability to operate the associated programs. The OMB Memo will also have a direct, immediate, and adverse impact on the Michigan's children who are the intended beneficiaries of the federal financial assistance that flows through these programs.

8. For example, the Child Development and Care funds are drawn down weekly from the federal government, with the next expected drawn down scheduled for this Friday, January 31, 2025. These funds are quickly distributed to childcare providers across Michigan that provide services for approximately 42,000 children statewide. If the OMB Memo prohibits the release for Child Development and Care funds this Friday, January 31, 2025, MiLEAP will be unable to send out the funds to the care providers, immediately impacting the care providers' ability to meet payroll and provide services for the 42,000 children that they serve.

9. Some MiLEAP staff are paid with a majority of Child Development and Care block grant funds, and a cessation of those funds will affect funding for those positions.

10. In addition, MiLEAP heard from advocates and providers of Michigan's Head Start program. The federal funds for this program flow directly to the providers, not through MiLEAP. However, providers—who serve approximately 30,000 children in Michigan—have advised MiLEAP that if Head Start funding does not continue to flow to these providers, it will immediately impact their operations, causing the necessary reduction of staff, reduction of services for children, and potential closure (permanent or temporary depending on the provider).

11. There are also other federally-funded programs administered by MiLEAP that will be immediately negatively affected by a pause of federal funding,

including the Preschool Development Grant and early childhood special education under the IDEA.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: January 28, 2025



Beverly Walker-Griffiea, Ph.D.
Director, MiLEAP

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

DONALD TRUMP, *et al.*,

Defendants.

Declaration of Ahna Minge

I, Ahna Minge, hereby declare:

1. I am the Assistant Commissioner for Budget Services and State Budget Director at Minnesota Management and Budget (MMB), a position I have held since 2021. As Assistant Commissioner for Budget Services and State Budget Director, I oversee a division that works with the Minnesota Governor's Office, legislative committees, legislative fiscal staff and state agencies on fiscal policy, program review, performance management and developing and monitoring state agency budgets.
2. As the Assistant Commissioner for Budget Services and State Budget Direct at MMB, I have personal knowledge of the matters set forth below, or have knowledge of the matters based on my review of information and records gathered by my staff.
3. I am providing this declaration to explain certain impacts of the memorandum "Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs," Matthew J. Vaeth, Acting Director of the Office of Management and Budget (January 28, 2025) ("OMB Memo"), which pauses all activities related to obligation or disbursement of all Federal financial

assistance, and other relevant agency activities that may be implicated by certain executive orders, on Minnesota.

4. In Minnesota, MMB is responsible for managing state finances, payroll and human resources, and providing systems for daily business operations and information access and analysis for state agencies across Minnesota state government. MMB is a central service agency, serving Minnesota's Governor, the Minnesota legislature, over 100 state government entities, and over 50,000 state employees.
5. The OMB Memo threatens federal funding, and specifically federal grants, for multiple state agencies in Minnesota and will have an immediate impact on significant programs administrated by Minnesota state agencies in FY2025. I highlight just a few of the noteworthy federal grants implicated by the OMB Memo:

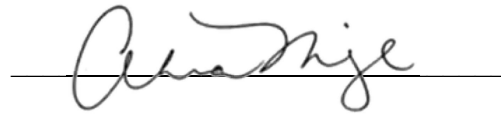
Federal Grant Assistance Listing Number (ALN)	Federal Award Name	Category	Minnesota Agency	Amount in Thousands
Federal Highway Administration (ALN 20.205)	Federal Highway Adminsitration	Roads	Transportation	\$817,718
Federal Aviation Administration (ALN 20.106)	Airport Improvement Program	Airports	Transportation	\$509,143
Federal Aviation Administration (ALN 20.106)	Airport Infrastructure Grants	Airports	Transportation	\$364,273
Federal Highway Administration (ALN 20.205)	Federal Aid Highway Program	Roads	Transportation	\$347,580

HUD (ALN 14.327)	Section 8 – Contract Administration	Housing	Housing Finance	\$266,000
Agriculture (ALN 10.555)	Food & Nutrition Services-Lunch	School Meals	Education	\$244,195
Education (ALN 84.027)	Special Education– Children with Disabilities	Special Education	Education	\$180,000
Education 84.010	Title 1	Funding for low income school districts	Education	\$170,000
Federal Highway Administration 20.205	Federal Aid Highway Program - Local and County Grants	Roads	Transportation	\$153,991
U.S. Department of Health and Human Services 93.568	Low Income Energy Assistance Program	Heating Assistance	Commerce	\$148,697
HHS 93.563	Child Support Enforcement	County funding child support	Human Services	\$135,300
USDA 10.557	Women, Infants and Children - Food	Women, Infants, and Children	Health	\$80,000
Agriculture 10.553	Food & Nutrition Services-Breakfast	School breakfast	Education	\$79,107

6. State agencies in Minnesota have currently budgeted for \$22.6 billion in federal revenue in FY2025. The OMB Memo implicates Based on current estimates, the total amount of federal grants implicated by the OMB Memo in Minnesota is \$22.6 billion in FY2025. That equates to roughly \$1.9 billion dollars per month in FY 2025.
7. In addition, the Minnesota Department of Human Services (MDHS) is currently locked out of Medicaid funding. My understanding is that MDHS was going to submit a \$408 million draw request today but could not access the system.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 28 day of January, 2025, in Minneapolis, Minnesota, Hennepin County.

A handwritten signature in cursive script, appearing to read "Ahma Minge", is written over a horizontal line.

Ahma Minge
Assistant Commissioner
Minnesota Management Budget

DECLARATION OF ADRIENNE KREIPKE

I, Adrienne Kreipke, pursuant to 28 U.S.C. § 1746, hereby declare that the following is true and correct:

1. I am the Chief Financial and Operations Officer for the Department of Environmental Protection (“NJDEP”) located in the State of New Jersey. I am a member of NJDEP’s executive leadership reporting directly to the Department’s chief executive (the State’s Commissioner of Environmental Protection) and responsible for overseeing the Department’s Management and Budget offices. My educational background includes a Master’s degree in Public Policy. I have been employed by the Department since July 2013. Prior to my employment with the Department, I was Assistant Director at the New Jersey Office of Management and Budget, Department of Treasury.

2. I submit this Declaration to explain certain impacts on the State of New Jersey resulting from the directive given to all Federal agencies in the Office of Management and Budget’s January 27, 2025 memo to “**temporarily pause** all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by [certain] executive orders” (“OMB Memo”). I have compiled the information in the statements set forth below through personal knowledge, through NJDEP personnel who have assisted me in gathering this information from our agency, and on the basis of documents that have been provided to and/or reviewed by me. I have also familiarized myself with the OMB Memo in order to understand its immediate impact on NJDEP.

3. NJDEP’s mission is to improve and protect public health and the environment we share. NJDEP uses the best available science to guide the conservation of natural and historic resources, ensure a stable climate and resilient communities, and secure clean and healthy air,

water and lands throughout New Jersey. Committed to sustainable economic growth, NJDEP invests in communities and infrastructure, provides quality open and recreational spaces for residents and visitors, enforces environmental laws, and furthers the promise of a clean and healthy environment for present and future generations.

4. As part of the State's yearly budget process, the New Jersey Legislature appropriates expected and anticipated federal funding to individual agencies. The expected and anticipated federal funding amounts are calculated based on a number of factors, including, for example, whether the federal funding is based on a multi-year grant that guarantees specific amounts of annual funding, a federal funding formula that allows the State to predict its annual receipts, or some other funding mechanism.

5. According to the State's Fiscal Year 2025 Appropriations Act, P.L. 2024, c. 22, the New Jersey Legislature appropriated a total of \$1,083,452,000 in expected and anticipated federal funding to NJDEP. In addition, NJDEP has been the recipient of approximately 200 prior year federal grant awards that have not yet been fully drawn down, which total over \$500 million.

6. The aforementioned appropriations are allocated to various NJDEP programs and services vital to the protection of public health, the maintenance and improvement of critical infrastructure, and the pursuit of economic development imperatives throughout our State. The affected NJDEP programs and services include, but are not limited to, Safe Drinking Water Supply services; Public and Industrial Wastewater services; Monitoring and Resource Management; Solid and Hazardous Waste Management; Contaminated Site Remediation and Redevelopment; Radiation Protection; and Air Pollution Control.

7. The overwhelming majority of the aforementioned programs are creatures of longstanding federal environmental laws, the implementation of which have been assumed by the

State of New Jersey and are enforced by NJDEP pursuant to agreements with the U.S. Environmental Protection (“USEPA”) and other relevant federal agencies. NJDEP’s federal counterparts have committed the aforementioned expected and anticipated federal funding to NJDEP pursuant to these agreements.

8. On Monday, January 27, 2025, the USEPA announced that “Under @POTUS’ [Donald J. Trump] leadership, EPA is committed to protecting clean air, land, and water, while being good stewards of taxpayer dollars, respecting the rule of law, and advancing cooperative federalism.” (See <https://x.com/EPA/status/1884033463906672754>). State implementation of the aforementioned programs is necessary to advance this commitment, and NJDEP is dependent upon the expected and anticipated federal funding committed to the State for program implementation.


9. The OMB Memo will have a profound and disabling impact on NJDEP’s ability to implement and enforce federal environmental laws pursuant to its agreements with USEPA and other relevant federal agencies. Pursuant to its agreements, NJDEP uses federal funds to advance programs and services vital to the protection of public health, the maintenance and improvement of critical infrastructure, and the pursuit of economic development imperatives throughout our State. For example, to advance USEPA’s commitment to clean water, NJDEP uses federal funding to monitor and ensure that community water systems deliver reliably safe and clean drinking water to residents throughout New Jersey. NJDEP utilizes the longstanding Clean and Drinking Water State Revolving Funds capitalized through USEPA grants to improve aging infrastructure that is vital to the provision of clean drinking water and wastewater services necessary for every new and existing home and business. As another example, NJDEP utilizes federal funding to facilitate coastal zone management, which includes supporting shore protection and beach replenishment

projects upon which coastal communities, residents, and the entire Jersey Shore tourism economy are critically dependent.

10. The freeze on federal disbursements directed by the OMB Memo will cause significant disruption to NJDEP operations. NJDEP must take extraordinary measures to address and mitigate the loss of funding and must devote substantial time and resources to planning for the severe operational impacts caused by the federal funding freeze.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 28th day of January, 2025.



Adrienne Kreipke
Chief Financial and Operations Officer
State of New Jersey
Department of Environmental Protection

DECLARATION OF EDWARD D. WENGRYN

I, Ed Wengryn, pursuant to 28 U.S.C. § 1746, hereby declare that the following is true and correct:

1. I am the Secretary of Agriculture at the New Jersey Department of Agriculture located in New Jersey. My educational background includes an Ornamental Horticulture, B.S., from Delaware Valley University. I have been employed as Secretary of Agriculture since March 25, 2024.
2. I submit this Declaration to explain certain impacts on the State of New Jersey resulting from the directive given to all Federal agencies in the Office of Management and Budget's January 27, 2025 memo to "**temporarily pause** all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by [certain] executive orders" ("OMB Memo"). I have compiled the information in the statements set forth below by discussing these issues with my staff and reviewing our active federal programs. I have also familiarized myself with the OMB Memo in order to understand its immediate impact on NJDA.
3. NJDA promotes, protects and serves New Jersey's agricultural interests. In addition to programs NJDA offers to support production agriculture, NJDA also manages programs that: feed schoolchildren; distribute surplus federal foods to soup kitchens and pantries that serve needy citizens; conserve precious soil and water resources; protect farmland from development and preserve it for future agricultural use; expand export markets for fresh and processed agricultural products, and promote our commercial fishing industry; and administer programs regarding agricultural, food, and natural resource education.
4. As part of the yearly budget process, the New Jersey Legislature appropriates expected and anticipated federal funding to individual agencies. The expected and anticipated federal

funding amounts are calculated based on a number of factors, including, for example, whether the federal funding is based on a multi-year grant that guarantees specific amounts of annual funding, a federal funding formula that allows the State to predict its annual receipts, or some other funding mechanism.

5. According to the Fiscal Year 2025 Appropriations Act, P.L. 2024, c. 22, the New Jersey Legislature appropriated a total of \$1,262,031,000 in expected and anticipated federal funding to the NJDA. These appropriations are allocated to various NJDA programs and services, including but not limited to Animal and Disease Control; Plant Pest and Disease Control; and Food and Nutrition Services.
6. The OMB Memo will have a profound and disabling impact on NJDA. Our agency uses federal funding to operate critical food security programs that feed people who are in need, as well as infrastructure cost share and grant programs that farmers are depending on to maintain the economic viability of their farm businesses. For example, we are deeply concerned about any delays or loss of funding for our Local Food Purchase Assistance program. This program makes funds available to food banks who feed people who are in need of financial and economic assistance. There is additional benefit to the agriculture industry in our state, as the food banks purchase directly from New Jersey farmers. We also worry about the availability of funds for our Resilient Food Systems Infrastructure (“RFSI”) program, in which we provide cost-share grants to farmers, which they use to improve the operational efficiency of their farms so they can continue providing food to the people of New Jersey.
7. Any pause on the RFSI program in particular poses significant challenges due to the fact that the RFSI grants have already been awarded, and NJDA is in the process of executing

agreements with each of the recipients. If the funding is paused, recipients may hold up their end of the cost-share grant, laying out their own capital to begin their projects, but the federal funding would not be available to meet the award that was agreed upon.

8. The freeze on federal disbursements directed by the OMB Memo will cause significant disruption to NJDA operations. NJDA must take extraordinary measures to address and mitigate the lost of funding and must devote substantial time and resources to planning for the severe operational impacts caused by the federal funding freeze.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 28th day of January, 2025, in Trenton, New Jersey.

A handwritten signature in blue ink, appearing to read "Edward D. Wengryn", with a stylized flourish at the end.

Edward D. Wengryn
Secretary
New Jersey Department of Agriculture

DECLARATION OF SARAH ADELMAN

I, Sarah Adelman, pursuant to 28 U.S.C. § 1746, hereby declare that the following is true and correct:

1. I am the Commissioner of the New Jersey Department of Human Services (“DHS”). I have been employed as Commissioner since January 2021.
2. I submit this Declaration to explain certain impacts on the State of New Jersey resulting from the directive given to all Federal agencies in the Office of Management and Budget’s January 27, 2025 memo to “**temporarily pause** all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by [certain] executive orders” (“OMB Memo”). I have compiled the information in the statements set forth below through personal knowledge, through DHS personnel who have assisted me in gathering this information from our various division, and on the basis of documents that have been provided to and/or reviewed by me. I have also familiarized myself with the OMB Memo in order to understand its immediate impact on DHS.
3. DHS is New Jersey’s largest agency, serving approximately 2.1 million New Jersey residents. DHS serves many people in New Jersey including but not limited to older residents, individuals, and families with low incomes; people with developmental disabilities, or late-onset disabilities; people who are blind, visually impaired, deaf, hard of hearing, or deaf-blind; parents needing child care services, child support and/or healthcare for children; people who are dealing with addiction and mental health issues; and families facing catastrophic medical expenses for their children. Through DHS’s eight divisions, the agency provides numerous programs and services designed to give eligible individuals and families assistance with economic and health challenges. These programs include publicly funded

health insurance through NJ FamilyCare, which includes New Jersey's Children's Health Insurance Program, Medicaid, and Medicaid expansion populations.

4. As part of the yearly budget process, the New Jersey Legislature appropriates expected and anticipated federal funding to individual agencies. The expected and anticipated federal funding amounts are calculated based on a number of factors, including, for example, whether the federal funding is based on a multi-year grant that guarantees specific amounts of annual funding, a federal funding formula that allows the State to predict its annual receipts, or some other funding mechanism.
5. According to the Fiscal Year 2025 Appropriations Act, P.L. 2024, c. 22, the New Jersey Legislature appropriated a total of \$ 17,658,444,000 in expected and anticipated federal funding to DHS. These appropriations are allocated to various DHS programs and services, including but not limited to Community Services; Addiction Services; Medical Services and Programs for the Aged; Disability Services; a number of Residential Centers that provide Residential and Habilitation Services; and Services for the Blind and Visually Impaired.
6. On January 28, 2025, employees of various divisions within DHS reached out to their respective federal counterparts to discuss the intended scope of the OMB Memo. These divisions and their federal counterparts included: the Division of Medical Assistance and Health Services (State Medicaid division) contacted the Center for Medicare and Medicaid Services; the Division of Family Development contacted the Department of Agriculture Food and Nutrition Services; the Division of Aging Services contacted the Administration for Community Living; the Commission for the Blind and Visually impaired contacted the Rehabilitation Services Administration; the Division of Disability Services contacted the

Administration for Community Living; and the Office of New Americans contacted the Office of Refugee Resettlement.

7. In response to each outreach, the respective federal counterparts indicated they could not provide any information at this time concerning the impact the OMB Memo will have on the various programs for which DHS receives federal financial assistance.
8. A freeze on federal disbursements will have a profound and disabling impact on DHS. Specifically, DHS uses federal funding to operate critical programs, including but not limited to the Medicaid program.
9. To administer the Medicaid program, at the beginning of each week, DHS' Federal Funds Management Unit submits a large draw notification for the federal share of Medicaid program expenditures due from the United States Department of Health and Human Services ("HHS"). The notification is submitted to the Federal Payment Management team and is a requirement of any draw amount over \$50 million. The notification advises HHS that DHS will be making the draw by the end of the week.
10. On January 27, 2025, DHS submitted a large draw notification for \$896 million.
11. On January 27, 2025, DHS also submitted a smaller daily draw of \$7.2 million to HHS. Smaller draws do not require a large draw notification and are generally paid shortly after submission.
12. HHS did not process the \$7.2 million draw and no explanation was provided.
13. The \$896 million large draw is scheduled for Friday, January 31, 2025. Earlier today, when a DHS official attempted to log in to HHS' Payment Management Services system, the following message is displayed: "PAYMENT DELAYS: Due to Executive Orders regarding potentially unallowable grant payments, PMS is taking additional measures to process

payments. Reviews of applicable programs and payments will result in delays and/or rejections of payments.”

14. DHS is currently unable to log into the system.

15. The freeze on federal disbursements directed by the OMB Memo has and will cause significant disruption to DHS operations. DHS must take extraordinary measures to address and mitigate the loss of funding and must devote substantial time and resources to planning for the severe operational impacts caused by the federal funding freeze.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 28th day of January 2025, in Trenton, New Jersey.



Sarah Adelman
Commissioner
New Jersey Department of Human Services

DECLARATION OF KAITLAN BASTON

I, Kaitlan Baston, MD, MSc, DFASAM, hereby declare the following:

1. I am the Commissioner of the New Jersey Department of Health (“NJDOH”) and have been employed as the Commissioner since August of 2023. I am dual boarded in Family Medicine and Addiction Medicine, obtained a master’s degree in Neuroscience from Kings College, London, and graduated from Jefferson Medical College in Philadelphia, Pennsylvania. Prior to becoming NJDOH’s Commissioner, I built and led the Cooper Center for Healing, an integrated pain, addiction, and behavioral health center and was an Associate Professor of Medicine at Cooper Medical School of Rowan University. Prior to my position with Cooper, my work ranged from public health projects in Rwanda, to public maternity and trauma hospitals in the Dominican Republic, to providing full spectrum family planning services and working in a bilingual community health center in Seattle, Washington.
2. The information in the statements set forth below were compiled through personal knowledge and through NJDOH personnel who have assisted in gathering this information from our agency.
3. I submit this Declaration to explain certain impacts on the State of New Jersey, specifically NJDOH, resulting from the directive given to all Federal agencies in the Office of Management and Budget’s January 27, 2025 memo to “**temporarily pause** all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by [certain] executive orders” (“OMB Memo”).
4. The mission of NJDOH is to protect the public’s health, promote healthy communities, and continue to improve the quality of health care in New Jersey. NJDOH provides essential services and implements comprehensive measures to prioritize public health, including:

preventing the spread of infectious diseases, educating the public to promote healthy lifestyles, preparing for emergencies and disasters, licensing and regulating health care facilities, collecting and analyzing health-related data, and addressing health disparities.

5. As part of the yearly budget process, the New Jersey Legislature appropriates expected and anticipated federal funding to individual agencies. The expected and anticipated federal funding amounts are calculated based on a number of factors, including, for example, whether the federal funding is based on a multi-year grant that guarantees specific amounts of annual funding, a federal funding formula that allows the State to predict its annual receipts, or some other funding mechanism.
6. According to the Fiscal Year 2025 Appropriations Act, P.L. 2024, c. 22, the New Jersey Legislature appropriated a total of \$1,052,829,000 in expected and anticipated federal funding to NJDOH. These appropriations are allocated to various NJDOH programs and services, including but not limited to Family Health Services; Public Health Protection Services; HIV, STD, and TB Services; Community Health Services; Health Care Facility Regulation and Oversight; and Patient Care and Health Services.
7. A freeze in federal disbursements will have a profound and disabling impact on NJDOH. Specifically, NJDOH uses federal funding to operate critical programs, such as USDA's Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Early Intervention Services (EIS), Cancer Prevention and Treatment, Chronic Disease and HIV services, and the Public Employee Occupational Safety and Health (PEOSH) program that New Jersey residents rely upon.
8. For example, the federal funding supporting HIV, STD and TB services is used by NJDOH to combat congenital syphilis, which has seen a 400% increase in new cases since 2017. As

for WIC, federal funding assists NJDOH with servicing approximately 230,000 families yearly with their nutritional needs. For EIS, NJDOH uses federal funding to connect approximately 37,000 young children suffering development delays with necessary treatments and services yearly. NJDOH also receives federal funding for its PEOSH program, which develops and enforces occupational health standards for public employees.

9. In addition, NJDOH is the recipient of the Public Health Infrastructure Grant, which provides essential federal funding to assist NJDOH with public health workforce development and modernization of public health data systems to address the critical needs identified by the COVID-19 pandemic.

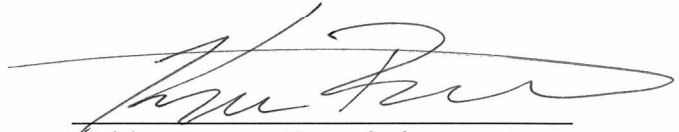
10. NJDOH also draws down more than \$1,000,000 a day from the federal WIC program.

Without this funding, NJDOH will be severely limited in providing nutritional services under WIC to the approximately 230,000 qualifying families receiving this service.

11. As seen from the above, a freeze on federal disbursements will cause significant disruption to NJDOH operations. NJDOH must take extraordinary measures to address and mitigate the loss of funding and must devote substantial time and resources to planning for the severe operational impacts caused by the federal funding freeze.

I declare under penalty of perjury that I am authorized to sign this certification, that there is no single official or employee of the NJDOH who has personal knowledge of all such matters; that the facts stated above have been assembled by employees of NJDOH, and I am informed that the information set forth above are in accordance with the information available to me and records maintained by the NJDOH and are true and accurate. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Executed this 28th day of January, 2025, in Trenton, New Jersey.

A handwritten signature in black ink, appearing to read 'Kaitlan Baston', written over a horizontal line.

Kaitlan Baston, Commissioner
New Jersey Department of Health

DECLARATION OF KATHLEEN EHLING

I, Kathleen Ehling, pursuant to 28 U.S.C. § 1746, hereby declare that the following is true and correct:

1. I am the Assistant Commissioner for the Division of Educational Services within the New Jersey Department of Education (“NJDOE”), a position I have held since 2021. As Assistant Commissioner, I oversee the Offices of Special Education, Supplemental Educational Programs, Fiscal and Data Services, Student Support Services, Performance Management, and the Marie H. Katzenbach School for the Deaf. I also serve as the State Director of the Elementary and Secondary School Emergency Relief Funds (collectively “ESSER” “ESSER II” and “ARP ESSER”). I am responsible for overseeing implementation of the federal Every Student Succeeds Act, the federal Individuals with Disabilities Education Act (“IDEA”), the New Jersey Tiered Systems of Support, and the development and release of the annual School Performance Reports. Prior to holding this position, I served in various positions throughout my 20-year tenure with NJDOE including as the Director of the Office of Fiscal and Data Services, in which capacity I oversaw the administration of over \$4 billion in federal and state grant funds for NJDOE. Prior to this role, I served as the Manager of the Bureau of Governance and Fiscal Support, Office of Special Education Policy and Procedure within NJDOE. In this capacity, I oversaw the implementation of administrative policy for the office, including development of regulations, model individualized education programs (“IEPs”), and the Parental Rights in Special Education booklet. I also oversaw the dispute resolution system, the complaint investigation process, the approval and monitoring of approved private schools for students with disabilities and clinics and agencies, the SEMI program, and the IDEA Part B grant process. Prior to assuming the role of Manager, I

worked as a Special Assistant to the Director of the Office of Special Education Programs, a Complaint Investigator, and a Mediator with the Office of Special Education.

2. As Assistant Commissioner, I have personal knowledge of the matters set forth below, or I have knowledge of the matters below based on my review of information and information gathered by my staff or staff within the NJDOE.
3. I submit this Declaration to explain certain impacts on the State of New Jersey resulting from the directive given to all Federal agencies in the Office of Management and Budget's January 27, 2025 memo to "**temporarily pause** all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by [certain] executive orders" ("OMB Memo"). I have compiled the information in the statements set forth below through personal knowledge of the matters below, through NJDOE personnel who have assisted me in gathering this information from the U.S. Department of Education, and on the basis of documents that have been provided to and reviewed by me. I have also familiarized myself with the OMB Memo in order to understand its immediate impact on the NJDOE.
4. NJDOE's mission is to support schools, educators, and districts to ensure all of New Jersey's 1.4 million students have equitable access to high quality education and achieve academic excellence.
5. In pursuit of this mission, the Division of Educational Services provides support and services to local education agencies (LEAs), educators, and children all across New Jersey, including but not limited to the Office of Special Education, which provides professional development, technical assistance, coaching, and resources to LEAs, educators, parents and other stakeholders across the state to improve outcomes for students with disabilities, ages three

through 21; the Office of Student Support Services, which supports the positive development of K-12 students, with a focus on health, behavior, school culture and climate, and social-emotional skills; and the Office of Supplemental Education Programs, which provides professional development, technical assistance, coaching, and resources to LEAs and educators to improve outcomes for economically disadvantaged students, multilingual learners, and other historically disadvantaged subgroups.

6. As part of the yearly budget process, the New Jersey Legislature appropriates expected and anticipated federal funding to individual agencies. The expected and anticipated federal funding amounts are calculated based on a number of factors, including, for example, whether the federal funding is based on a multi-year grant that guarantees specific amounts of annual funding, a federal funding formula that allows the State to predict its annual receipts, or some other funding mechanism.
7. According to the Fiscal Year 2025 Appropriations Act, P.L. 2024, c. 22, the New Jersey Legislature appropriated a total of \$ 1,237,818,000 in expected and anticipated federal funding to the NJDOE. These appropriations are allocated to various NJDOE programs and services, including but not limited to Special Education services; the Marie H. Katzenbach School for the Deaf; Career Readiness and Technical Education programs; Bilingual Education services; Programs for Disadvantaged Youth; and Early Childhood Education programs.
8. On January 28, 2025, several employees of the NJDOE reached out to federal Program Officers who provide guidance and serve as the federal points of contact for the grant programs to discuss the intended scope of the OMB Memo.

9. In one instance, the Program Officer indicated that they needed official clarification on whether the memo applies to federal grant program awards that have already been made or only to future awards.
10. In all other correspondence, the federal Program Officers indicated they did not have further guidance to share at this time. NJDOE has also received no direct instruction or guidance from the United States Department of Education on the scope of the OMB Memo.
11. A freeze on federal funding disbursements will have a profound and disabling impact on the NJDOE and local education agencies. Pursuant to the Uniform Grant Guidance, 2 CFR Part 200, and the authorizing regulations for the implicated Federal grants, the NJDOE serves as a “pass-through entity” for these funds, which means that while the NJDOE is the primary recipient of the funding, the NJDOE provides the majority of the funds directly to local education agencies (LEAs) within the State, which use the funds to provide allowable services and programs to students and educators.
12. Each of the federal grants received by the NJDOE is awarded through a Grant Award Notification (GAN), which provides specific information regarding the amount of the award and the funding period for the award. In reliance on each GAN, the NJDOE, in accordance with the authorizing regulations, makes subawards to LEAs and enters into activities such as contracts and memorandums of understanding to fulfill the requirements of the authorizing legislation. These activities include hiring staff, providing training and technical assistance, monitoring, data collection, to effectuate the purposes of each federal award.
13. The NJDOE and the subrecipient LEAs use federal funding to operate critical educational programs, which include providing supports to students with disabilities, resources for homeless students and students from economically disadvantaged families, and supports for

safe and supportive school climates, all of which serve to ensure the 1.4 million students attending public school in the State have equitable access to a high quality education.

14. All of NJDOE's federal draws are completed on a reimbursement basis. NJDOE anticipates drawing down federal funds over the next month based upon the following schedule:

- a. On or before January 29, 2025, NJDOE is scheduled to draw down \$ 4,043,806.40 for the Biweekly draw. The Biweekly draw reimburses the State for expenditures, such as salary for our non-Cash Management Improvement Act (CMIA) grants, purchase order payments, travel expenses, indirect expenses, and discretionary grant payments processed through the Electronic Web-enable Grant System (EWEG).
- b. On or before January 31, 2025, NJDOE is scheduled to draw down \$ 74,114,453.00 for the entitlement draw. The entitlement draw reimburses LEAs for expenditures submitted under each Entitlement grant. These include the following: IDEA Basic and Preschool, Perkins and ESEA Titles I, SIA, II, III, Immigrant, IV and V.
- c. On or before February 3, 2025, NJDOE is scheduled to draw down \$ 588,000.00 for salaries. The salary draw is only applicable to CMIA grants: ESEA Title I and IDEA-B (Basic).
- d. On or before February 15, 2025, NJDOE also anticipates drawing down \$ 492,397.15 for the midmonth draw. This draw is applicable to CMIA grants: ESEA Title I, IDEA-B (Basic), and ARP-ESSER. This upcoming draw would cover the period from January 1, 2025 through January 31, 2025, and includes expenditures related to purchase order payments, travel expenses, discretionary grant payments.

15. A freeze on federal funding disbursements will cause significant disruption to NJDOE operations. It has the potential to deprive NJDOE and New Jersey LEAs of the resources

necessary to sustain critical education programs and services for all New Jersey students, including students entitled under federal law to additional education supports, such as students with disabilities, economically disadvantaged students, multilingual learners, students experiencing homelessness, and migrant students. NJDOE must take extraordinary measures to address and mitigate the loss of funding and must devote substantial time and resources to planning for the severe operational impacts caused by the federal funding freeze.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 28th day of January 2025, in Trenton, New Jersey.



Kathleen Ehling
Assistant Commissioner
New Jersey Department of Education

Declaration of Kari Armijo,
Cabinet Secretary, New Mexico Health Care Authority

I, Kari Armijo, hereby declare:

1. I am the Cabinet Secretary for the New Mexico Health Care Authority (NM HCA). I oversee all of NM HCA's operations. I have been in this position since 2023. Prior to holding this position, I served as NM HCA Deputy Secretary and have over two decades of experience with the department, ensuring the delivery of critical health and human services to the residents of New Mexico.
2. I have personal knowledge of the matters set forth below, or have knowledge of the matters based on my review of information and records gathered by my staff.
3. I am providing this declaration to explain certain impacts of the memorandum "Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs," Matthew J. Vaeth, Acting Director of the Office of Management and Budget (January 28, 2025) ("OMB Memo"), which pauses all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by certain executive orders, on the State of New Mexico.
4. The pause will significantly impact the Health Care Authority's operations, which serve over 50% of New Mexico's population. The agency emphasizes the immediate need for the disbursement of funds to sustain critical activities across key programs to ensure the health and safety of New Mexicans.
5. NM HCA is New Mexico's single state Medicaid agency, responsible for the implementation and operation of the Medicaid program, including the Children's Health Insurance Program (CHIP), for the citizens of the State of New Mexico. NM HCA also operates the

Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), The Emergency Food Assistance Program (TEFAP), Low-Income Home Energy Assistance Program (LIHEAP), Child Support Services and Behavioral Health programs that receive substantial federal financial assistance. The mission of the NM HCA is to ensure that the citizens of New Mexico attain their highest level of health by providing whole-person, cost effective, accessible, and high-quality health care and safety-net services.

6. This fiscal year, State Fiscal Year 2025, NM HCA has collected approximately \$4.3 billion in federal assistance and, to continue with programs and services, still needs to receive another \$4.87 billion. As of the date and time this declaration is signed, NM HCA is unable to access the federal payment system used by NM HCA to draw down the federal funds for Medicaid and other programs.
7. This disruption jeopardizes health care and vital programs for more than 1 million New Mexicans, including children, individuals with disabilities, and seniors. The NM HCA serves nearly 50% of New Mexico's population. A delay in federal funding will impact essential services leaving individuals without a safety net and critical care.
8. Within the next 1-2 weeks, \$409,861,346 in federal funds is expected to support health care providers, ensuring uninterrupted care delivery. A delay in these disbursements risks the financial viability of which programs, leading to service reductions or closures, particularly in underserved areas. Immediate funding is essential to ensure health care, behavioral health and safety-net services for the residents of New Mexico are not disrupted.
9. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 28 day of January, 2025, in Santa Fe, New Mexico.

A handwritten signature in black ink, appearing to read "KArmijo", with a small dot above the "i".

Kari Armijo

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF [[INSERT]]**

Plaintiffs,

v.

Defendants.

Civil Action No. 1:25-cv-XXX
Judge xxx

Declaration of Wayne Propst

I, Wayne Propst, hereby declare:

1. I have been the Cabinet Secretary for the New Mexico Department of Finance and Administration (“DFA”) since January 2023. I oversee the State’s finances, including budgeting, financial planning, financial reporting, payroll, financial controls, administrative services, and general fiscal oversight.
2. As the Cabinet Secretary for DFA, I have personal knowledge of the matters set forth below or have gained knowledge based on my review of information and records gathered by my staff.
3. I am providing this declaration to explain particular impacts of the memorandum “Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs,” Matthew J. Vaeth, Acting Director of the Office of Management and Budget (January 28, 2025) (“OMB Memo”), which pauses all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that specific executive orders, on the State of New Mexico may implicate.

4. DFA serves New Mexico through fiscal management support for state agencies, local government, and community-based programs to achieve responsible and quality fiscal services for all New Mexicans.
5. For the fiscal year ending June 30, 2024 (“FY24”), the State of New Mexico’s total budget was twenty-six billion six hundred fifty-nine million dollars (\$26,659,000,000). This budget consisted of fifteen billion four hundred fifty-nine thousand dollars (\$15,459,000,000) in State-funded spending and eleven billion two hundred million (\$11,200,000) in direct aid from the Federal government.
6. For the current fiscal year ending on June 30, 2025 (“FY25”), the State of New Mexico’s total budget was twenty-eight billion nine hundred seventy-six million dollars (\$28,976,000,000). This budget consists of sixteen billion nine hundred twenty-three million dollars (\$16,923,000,000) in State-funded spending and twelve billion fifty-three million dollars (\$12,053,000,000) in direct aid from the Federal government.
7. Direct aid from the Federal Government accounted for forty-two percent (42%) of the State of New Mexico Budget in FY 24 and forty-one and three-fifths percent (41.6%) for FY 25.
8. Direct aid from the Federal Government funds key programs and initiatives throughout the state, including unemployment insurance, Medicaid, temporary assistance for needy families (TANF), and vocational rehabilitation programs.
9. Sixty-eight (68) State agencies receive Federal funding and have included this funding within their budgets for FY 25.
10. This includes entities like the Department of Workforce Solutions (FY 25 - \$89,800,000 [72% of its budget]), which administers unemployment insurance; the Department of Children, Youth, and Families (FY 25 – \$95,400,000 [25% of its budget]), who provide family services,

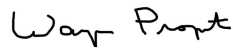
behavioral health services, and juvenile justice services to communities in New Mexico; the Early Childhood Education and Care Department (FY 25 - \$147,000,000 [19 % of its budget]), which provides cohesive, equitable, and effective programs from prenatal to five; the Department of Health (FY 25 – \$175,000,000 [32% of its budget]), performs a wide range of duties that formulate a statewide public health system for New Mexicans; and the Department of Transportation (FY 25 - \$558,000,000 [44% of its budget]).

11. The State of New Mexico currently has three billion one hundred sixty-four million, two hundred four thousand three hundred sixteen dollars (\$3,164,204,316) in reserve. The State expends seven hundred nine million twenty-one thousand four hundred thirty dollars (\$709,021,430) per month. At this rate, without the anticipated Federal funding, the State will deplete its reserve cash balances within five (5) months.

12. Any delays in receiving Federal funding will have immediate and catastrophic effects on the State of New Mexico's finances, including its FY 25 Budget and existing debt portfolio. Additionally, any delays in receipt of Federal funding will jeopardize the services the State provides to its citizens, including essential services, unemployment insurance, and Medicaid.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 28th day of January 2025 in Santa Fe County, New Mexico.



Wayne Propst
Cabinet Secretary
New Mexico Department of Finance and Administration

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

DONALD TRUMP, *et al.*,

Defendants.

Civil Action No. _____

Declaration of Blake G. Washington

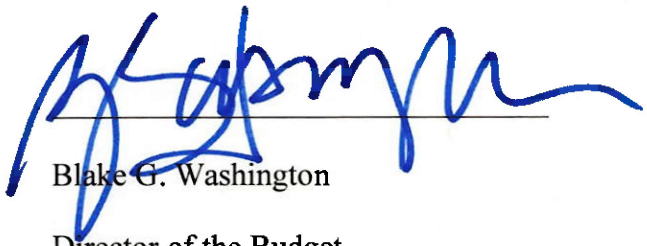
I, Blake G. Washington, hereby declare:

1. I am currently employed as Director of the New York State Division of the Budget (“DOB” or “Division”) and I have held that position since August 16, 2023. Immediately before that time I was employed by the New York State Assembly.
2. As Budget Director, I exercise all of the powers and duties conferred upon me by New York State Law. Among other responsibilities, I am vested by Executive Law Section 180 with the duty to assist the Governor in formulating the Executive Budget and coordinating and supervising the State’s expenditures and fiscal operations. To that end, I am responsible for management of the entire Division which is responsible for, among other things, developing and administering the budgets of all New York State agencies, including Federal funds received by and relied upon by such agencies.
3. As the Budget Director, I have personal knowledge of the matters set forth below, or have knowledge of the matters based on my review of information and records gathered by my staff.

4. I am providing this declaration in response to the “Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs,” Matthew J. Vaeth, Acting Director of the Office of Management and Budget (January 27, 2025) (“OMB Memo”).
5. Aid from the Federal government helps to pay for a variety of programs including Medicaid, public assistance, mental hygiene, public safety, School Aid, public health, transportation, and other activities impacting millions of New Yorkers.
6. As of January 21, 2025, for Fiscal Year 2025 (“FY25”) running April 1, 2024 - March 31, 2025, the Division estimates New York State’s total Federal aid receipts to be valued at ~\$98.5 billion.¹ For the period January 28, 2025 through February 10, 2025, the Division estimates New York State will disburse \$5.6 billion of the ~\$98.5 billion.
7. If New York State’s Federal aid is suspended, the impacts will be harmful.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed this 28th day of January, 2025, in Albany, New York.



Blake G. Washington

Director of the Budget

NYS Division of the Budget

¹ See page 97 of the Fiscal Year 2026 Executive Budget Financial Plan available at <https://www.budget.ny.gov/pubs/archive/fy26/ex/fp/index.html>.

Declaration of Director Jonathan Womer

I, Jonathan Womer, hereby declare:

1. I am the Director of the Rhode Island Department of Administration, a position I have held since 2023. As Director, I have oversight of all coordinated state administrative functions, including developing and administering the state budget; determining and maintaining standard specifications for purchases, contracts, bids, and awards for state purchases; maintaining and procuring state facilities; administering the statewide planning program; managing the personnel of state departments and agencies; and generally overseeing and supporting the administration of federal financial assistance awarded to all Rhode Island state agencies. Prior to holding this position, I served as the Director of the Office of Management and Budget at the Rhode Island Department of Administration from 2015-2021. I also served in the White House Office of Management and Budget from 1999-2004.
2. As the Director of the Department of Administration, I have personal knowledge of the matters set forth below, or have knowledge of the matters based on my review of information and records gathered by my staff.
3. I am providing this declaration to explain certain impacts on Rhode Island of the memorandum "Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs," issued by Matthew J. Vaeth, Acting Director of the Office of Management and Budget (January 28, 2025) ("OMB 25-13"), which pauses all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by certain Executive Orders issued by President Donald J. Trump.
4. The Department of Administration provides supportive services to all Rhode Island departments and agencies for the effective coordination and direction of state programs within a changing administrative and fiscal environment, while ensuring accountability of and value for public dollars.
5. As of January 28, 2025, Rhode Island has been awarded or allocated more than \$5 billion in Federal financial assistance. This represents over a third of our FY 2025 budget. These monies include support for programs across Rhode Island government, ranging across the spectrum of life in Rhode Island: children's healthcare, highways and infrastructure, public safety programs, and key support for Rhode Island's environmental commitments are all supported by this funding.
6. Understanding OMB 25-13 has been a difficult undertaking. Under one reading, it appears that all federal financial assistance with few exemptions will be paused for more than a week. Under another reading, only certain categories of funding may be paused. But it is unclear exactly which categories may be affected because OMB 25-13 does not specify categories of funds in an identifiable manner. Planning for such an about-face with less than 24-hours notice is not possible.

7. There has been substantial confusion over the past week and continuing today regarding the availability of Federal funds. Today, even prior to the 5 p.m. deadline articulated in OMB 25-13, my staff in charge of requesting Federal financial assistance discovered that their ability to access the systems used to accomplish the drawdown of Federal funds to state accounts were frozen. For example, the U.S. Department of Health & Human Services Payment Management System (PMS), which is the system through which most federal grant dollars flow, was inaccessible. When state Medicaid staff called their Centers for Medicare and Medicaid Services (CMS) federal counterparts for clarification, they were told that there is a temporary pause and states would be informed at some future, unspecified time when the pause was lifted. CMS staff also indicated there would be no communication in writing. And, although there was mention that if a state was experiencing "cash flow" issues the state could inform CMS, there was no promise that funds would be released. The Rhode Island Department of Labor and Training, Rhode Island Department of Health, Rhode Island Department of Environmental Management and Rhode Island Department of Human Services staff are also unable to access PMS to draw down federal funds and provide reports.
8. This temporary pause comes at the end of the month, a time at which Rhode Island agencies generally submit their monthly requests for grant funding. Because of the incredibly broad nature of the order, the chaotic manner in which states are discovering its impacts on some of the largest Federal financial assistance programs like Medicaid, and an inability to get guidance from the Federal government, the impacts of OMB 25-13 are immediate and profound.
9. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.
10. Executed this 28th day of January, 2025, in Providence, Rhode Island.



Jonathan Womer
Director
Rhode Island Department of Administration

Declaration of Katherine “K.D.” Chapman-See

I, Katherine “K.D.” Chapman-See, hereby declare:

1. I am over the age of 18, competent to testify as to the matters herein, and make this declaration based on my personal knowledge and the records of the Washington State Office of Financial Management (“OFM”) to which I have access.

2. I am the Director of the Office of Financial Management (“OFM”) for the State of Washington. I have served as Director of OFM since my appointment January 15, 2025. I have over 13 years of experience in budgeting and policy development. Prior to becoming Director of OFM, I spent two years as Legislative Affairs Liaison for OFM. Prior to working for OFM, I served as Policy Director, Deputy Policy Director, and as a Policy Analyst for the Washington State House of Representatives between 2011 and 2022, with responsibilities for advising and making recommendations to legislators on the state’s operating budget, revenue, pensions, labor, higher education, agriculture and natural resource policy issues. From 2008 to 2011, I worked for the Washington State Office of the Lieutenant Governor as the office’s Legislative and Community Liaison. I hold a Bachelor’s degree in Anthropology from the University of Chicago.

3. OFM provides vital information, fiscal services and policy support that the Governor, Legislature, and State agencies need to serve the people of Washington State. OFM plays a central role in budget planning, policy development, and fiscal administration for the executive branch. OFM prepares the executive budget proposal and monitors budget implementation. OFM also manages statewide human resource policy functions including classification, compensation, workforce data, recruitment, and other policy functions.

4. As Director, I oversee all aspects of OFM and ensure that OFM is providing accurate budgetary information and policy support to the Governor, Legislature, State agencies, and the public.

5. I am aware of the January 27, 2025, memorandum from Office of Management and Budget Acting Director Matthew J. Vaeth regarding a “Temporary Pause of Agency Grant, Loan, and Other Financial Assistance Programs.” This memorandum directs all federal agencies to,

among other things, “temporarily pause all activities related to obligation or disbursement of all Federal financial assistance” for an undisclosed amount of time. If such a pause went into effect, it would have a devastating effect on the State of Washington, its operations, and its residents.

6. OFM regularly calculates its State Expenditure of Federal Awards (“SEFA”). The SEFA calculation includes all federal funds that the State receives in a given fiscal year.

7. For the most recent fiscal year—FY2024, running from July 1, 2023 to June 30, 2024—Washington received **\$27,439,038,022** in federal funding. This comprised approximately 32% of Washington’s total budget for FY2024.

8. This \$27,439,038,022 only includes money paid to the state by the federal government, meaning it does not include Social Security or Medicare.

9. As I understand Acting Director Vaeth’s memorandum, not all of this \$27,439,038,022 would meet the definition of “federal financial assistance” covered by the memorandum. For example, the largest single component of this total was Medicaid reimbursements, which accounted for approximately \$13 billion in FY2024 SEFA. These reimbursements are excluded from the definition of “federal financial assistance” under 2 CFR 200.1, though I understand that Washington attempted to request reimbursement—even before the OMB Memo was set to take effect—and that request has not been timely processed.

10. However, Acting Director Vaeth’s memorandum would apply to all manner of critically important programs in Washington. Although it is not at all clear what the memorandum actually covers, it appears to halt, for example:

- a. Supplemental Nutrition Assistance Program, commonly known as food stamps, which amounted to over \$1.9 billion in FY2024 SEFA.;
- b. Highway planning and construction funds, which amounted to over \$952 million in FY2024 SEFA. These funds include the Highway Infrastructure Program, which provides federal funds for road, bridge, ferry, transit capital, and Intelligent Transportation System capital projects for the

elimination of hazards and the installation of protective devices at railway-highway crossing.¹;

- c. Child Care and Development Block Grants, which amounted to over \$393 million in FY2024 SEFA. This is the primary federal grant program that allows states to provide childcare assistance to low-income working families with children under age 13.²;
- d. National School Lunch Program, which amounted to over \$361 million in FY2024 SEFA. This program provides nutritious meals to children. Public school districts, private schools, residential child care institutions, and Charter Schools may participate in school meal programs.³;
- e. Title I education grants, which amounted to over \$310 million in FY2024 SEFA. Title I funds instructional help to children whose academic performance is below average, based on a formula that targets funding to schools and districts with higher percentages of students in poverty.⁴;
- f. Special Education grants, which amounted to over \$275 million in FY2024 SEFA. This program serves to meet the excess costs of providing special education and related services to children with disabilities, including support and direct services, technical assistance and personnel preparation, assisting schools in providing positive behavioral interventions and supports, and improving the use of technology in the classroom.⁵;
- g. Foster care grants, which amounted to over \$166 million in FY2024 SEFA. This program, among other things, provides safe and stable out-of- home

¹ <https://wsdot.wa.gov/business-wsdot/support-local-programs/funding-programs/highway-infrastructure-program>

² <https://dcyf.wa.gov/about/government-affairs/ccdf>

³ <https://ospi.k12.wa.us/policy-funding/child-nutrition/school-meals/national-school-lunch-program>

⁴ <https://ofm.wa.gov/budget/agency-activities-and-performance/agency-activities/350#:~:text=The%20state%20Learning%20Assistance%20Program,learning%20needs%20in%20the%20district.>

⁵ <https://www.ed.gov/grants-and-programs/formula-grants/formula-grants-special-populations/special-education-grants-to-states>

care for eligible children and youth until they are safely returned home, placed permanently with adoptive families or legal guardians, or placed in other planned arrangements for permanency.⁶;

- h. Child support enforcement, which amounted to over \$134 million in FY2024 SEFA.;
- i. Allergy and infectious disease research, which amounted to over \$121 million in FY2024 SEFA.;
- j. Low-income home energy assistance, which amounted to over \$96 million in FY2024 SEFA. This program helps keep families safe and healthy through initiatives that assist families with energy costs. LIHEAP provides federally funded assistance to reduce the costs associated with home energy bills, energy crises, weatherization, and minor energy-related home repairs.⁷;
- k. Substance abuse treatment block grants, which amounted to over \$65 million in FY2024 SEFA. This grant helps plan, carry out, and evaluate activities for the prevention, treatment, and recovery of substance abuse for individuals not covered by Medicaid.”⁸;
- l. Veterans nursing care funding, which amounted to over \$59 million in FY2024 SEFA; and
- m. Hundreds or thousands of other programs, covering everything from immunizations to clean water to adoption assistance to transit to childcare to global AIDS prevention to National Guard operations to crime victim assistance to immigration and refugee assistance to wildlife restoration, and on and on.

⁶⁶ <https://www.acf.hhs.gov/cb/grant-funding/title-iv-e-foster-care>

⁷ <https://www.acf.hhs.gov/ocs/programs/liheap>, https://www.commerce.wa.gov/community_opportunities/liheap/

⁸ <https://www.hca.wa.gov/about-hca/programs-and-initiatives/behavioral-health-and-recovery/block-grants>

11. While it is not clear exactly what is covered by Acting Secretary Vaeth's memorandum, it is safe to say the memorandum would apply to billions of dollars in federal funding for Washington.

12. In the event that federal funds are suddenly withheld, even temporarily, Washington simply does not have funds to cover all of these necessary programs that are currently funded through federal dollars. And it most certainly does not have the funds to backfill federal dollars while continuing to pay for all of the many state-funded programs on which its residents rely. Thus, pausing or terminating federal funds would necessarily entail cuts—likely drastic cuts—to key services provided by state agencies on which Washington residents depend.

13. This threat to federal funding comes at a precarious time for Washington. Our state is one of several states facing a budget shortfall. Due to inflation, higher projected caseloads in several safety net programs, expansion of popular programs like early learning, and workforce costs, combined with revenue declines due to lagging home sales and collections for sales and capital gains taxes, Washington is facing a forecasted budget deficit of over \$12 billion over the next four years. Many Washington state agencies are facing budget cuts of between three and six percent to account for the lack of funding.

14. OMB's direction to withhold additional billions of dollars in federal funding, even temporarily, would interfere with critical state programs, drastically worsen Washington's budget shortfall, and make it nearly impossible for state agencies and our Legislature to intelligently prioritize needed budgeting needs.

I declare under penalty of perjury under the laws of the State of Washington and the United States of America that the foregoing is true and correct.

Executed this 28th day of January 2025, in Olympia, Washington.



Katherine "K.D." Chapman-See
Director
Washington State Office of Financial Management

DECLARATION OF ELIZABETH MAHER MUOIO

I, Elizabeth Maher Muoio, pursuant to 28 U.S.C. § 1746, hereby declare that the following is true and correct:

1. I am the State Treasurer of the State of New Jersey. My educational background includes a B.A. from Wesleyan University and a J.D. from Georgetown University. I have served as State Treasurer since April 2018, and before that I served as Acting State Treasurer from January to April 2018. As State Treasurer, I oversee New Jersey's Department of Treasury, which is responsible for managing the State's budget, collecting revenues, and disbursing appropriated funds.
2. I submit this Declaration to explain certain impacts on the State of New Jersey of the directive issued to all Federal agencies in the Office of Management and Budget's January 27, 2025 memo to "**temporarily pause** all activities related to obligation or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by [certain] executive orders" ("OMB Memo").
3. I have compiled the information in the statements set forth below based on personal knowledge, information provided by the Department of Treasury's Office of Management and Budget, and other information provided to me by Department of Treasury personnel. The statements below also reflect information received by the Department of Treasury from other State agencies.
4. As part of the yearly budget process, the New Jersey Legislature appropriates expected and anticipated federal funding to individual agencies. The expected and anticipated federal funding amounts are calculated based on a number of factors, including, for example, whether the federal funding is based on a multi-year grant that guarantees specific amounts

of annual funding, a federal funding formula that allows the State to predict its annual receipts, or some other funding mechanism.

5. Based on enacted federal laws and federal grant commitments, New Jersey is expected to receive approximately \$27.5 billion in federal funding across a broad range of programs for fiscal year 2025. This includes, but is not limited to:
 - a. more than \$17 billion for the State's Department of Human Services;
 - b. more than \$2.8 billion for the State's Department of Transportation;
 - c. more than \$1.2 billion for the State's Department of Education;
 - d. more than \$1.2 billion for the State's Department of Agriculture;
 - e. more than \$700 million for the State's Department of Health;
 - f. more than \$1 billion for the State's Department of Environmental Protection; and
 - g. almost \$600 million for the State's Department of Labor & Workforce Development.
6. New Jersey relies on federal funding to operate critical programs that New Jersey residents depend on, including for healthcare, education, unemployment insurance, and infrastructure.
7. A freeze in disbursement of federal funds that have already been obligated to the State of New Jersey will have an immediate effect on several of the State's programs and operations.
8. New Jersey periodically draws from federal funding accounts to fund operations for various programs. For some programs—such as the Women, Infants, and Children (WIC) program—the Department of Health draws down funds on a daily basis. Drawdowns for other programs occur on a weekly, biweekly, or monthly basis. For example, the Department of Human Services draws down federal funding for Medicaid on a weekly basis. The Department of Transportation also draws down federal funding on a weekly basis.

9. Salaries and benefits for approximately 10,000 state employees—representing approximately 15 percent of the State’s payroll—are funded by the federal government. New Jersey relies on approximately \$56 million in federal funding per pay period to pay these employees’ salaries and benefits.
10. As of today, several New Jersey agencies have reported to the Department of Treasury that electronic systems that they utilize to draw down federal funds—including for Medicaid, Head Start, FEMA funding, WIC, and emergency aid programs—have been frozen. As a result, these state agencies have been unable to access federal funding for critical operations.
11. As one example, New Jersey’s Medicaid program is scheduled to make approximately \$1.5 billion in payments this Friday to pay healthcare costs for Medicaid enrollees. As of today, the State’s Department of Human Services has been unable to draw down any federal funding for Medicaid payments. DHS has been locked out of the federal Medicaid payment system, which is displaying the following statement: “PAYMENT DELAYS: Due to Executive Orders regarding potentially unallowable grant payments, PMS is taking additional measures to process payments. Review of applicable programs and payments will result in delays and/or rejections of payments.”
12. In addition to the agencies and programs identified above, New Jersey’s independent authorities also receive additional direct federal appropriations, which the State Department of Treasury does not have visibility into. These independent authorities include but are not limited to New Jersey Transit and the New Jersey Economic Development Authority. Disruptions in federal funding to these independent authorities will have additional ancillary impacts on the State.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 28th day of January, 2025, in Trenton, New Jersey.



Elizabeth Maher Muoio
State Treasurer, State of New Jersey